



CITY OF WILDOMAR

PLANNING COMMISSION

Commission Members

Chairman Robert Devine · Vice-Chairman Harv Dykstra

Gary Andre · Scott Nowak · Miguel Casillas

REGULAR MEETING

WEDNESDAY, NOVEMBER 4, 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 September 16, 2009 Regular Meeting Minutes.
- 3.2 Approval of the October 7, 2009 Regular Meeting Minutes.

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

- 4.1 CONDITIONAL USE PERMIT 09-0265:** The project proposes to change the zoning from Rural Residential (R-R) to General Commercial (C-1/C-P) for three parcels and locate a 5,280 square foot modular building and outdoor wholesale nursery on a 1.54 acre site on the northwest corner of Almond Street and Bundy Canyon Road, APNs: 366-210-052, 366-210-053, & 366-210-054.

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

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

None.

6.0 GENERAL BUSINESS ITEMS:

- 6.1** Zoning Ordinance Modification – Second Dwelling Units.
- 6.2** Zoning Ordinance Modification – Trailer and Boat Storage, Mini Warehouses

7.0 ADMINISTRATIVE HEARINGS REPORT:

None.

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.

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 December 2, 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 October 30, 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
September 16, 2009**

1.0 CALL TO ORDER

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

1.1 ROLL CALL OF PLANNING COMMISSION

Present: Robert Devine, Chairman
 Gary Andre, Commissioner
 Harv Dykstra, Vice-Chairman
 Scott Nowak, Commissioner
 Miguel Casillas, Commissioner

Absent: None.

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

1.2 PLEDGE OF ALLEGIANCE:

Chairman Devine led the flag salute.

2.0 COMMUNICATIONS FROM THE PUBLIC:

None.

3.0 APPROVAL OF MINUTES:

Commissioner Nowak moved to approve the Minutes of September 2, 2009. The motion was seconded by Vice-Chairman Dykstra. Motion carried, the following vote resulted:

AYES: Devine, Dykstra, Nowak, Casillas, and Andre.

NOES:

ABSENT:

ABSTAIN:

4.0 CONTINUED PUBLIC HEARING ITEMS:

None.

5.0 PUBLIC HEARING ITEMS:

5.1 PUBLIC USE PERMIT NO. 778 REVISION 3 (08-0163)

Applicant: Cornerstone Community Church
Location: 34570 Monte Vista Drive, (APNs: 367-210-008, 367-210-018, 367-210-034, 367-210-035, 367-210-041, 367-210-043, 367-140-008, & 367-140-010)
Proposals: The project proposes the construction of a 754 space parking lot expansion, and the relocation and reconstruction of athletic fields and a retention basin on a 63.01 acre site.
Environmental Action: In accordance with the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration has been recommended for adoption.

Vice-Chairman Dykstra stated that he had a business relationship with Cornerstone Church. He then recused himself and departed the Council Chambers.

Planning Director Hogan made the staff report. He noted the errata sheets, reported on the public comments received and referenced a packet of letters provided to the Commission. He went on to acknowledge comments received from 2 agencies: the City of Menifee and the Pechanga Band of Luiseno Indians, noting the addition of Condition of Approval No. 46. Planning Director Hogan also noted that the number of special events, 85 per year, was a projection created by County Staff during a County Planning Commission meeting and not projections by the Church.

Commissioner Andre inquired about the meeting date. Planning Director Hogan responded that it was at the June 11, 2008 Hearing.

Planning Director Hogan concluded by responding to suggestions that the project required a Traffic Study. Director Hogan indicated that Staff's review of the project has found that the no new vehicle trips would be created as a result of the project. He went on to explain that further development of the site with buildings or additional parking facilities would require review and approval by the Commission.

Assistant City Attorney Jex added that while although a Zoning Code amendment has modified the approval process, those changes are not in effect yet and the project would go forward for a "Receive and File," where the City Council may vote to hear the

project. He then on to state that the project may be appealed within 10 days of the Receive and File action taken by the City Council.

Chairman Devine asked for clarification on the types of applications that would require City Council approval. Planning Director Hogan responded that all Zone Changes and General Plan Amendments would go before the City Council for Final Approval.

Planning Director Hogan added that all outdoor lights on the property would be subject to the Mt. Palomar lighting ordinance.

Chairman Devine opened the Public Hearing.

Applicant Larry Markham introduced himself to the Commission.

Chairman Divine asked the applicant if he had received, reviewed and was in agreement with the Staff Report and Conditions of Approval.

Applicant Markham responded in the affirmative.

Applicant Markham asked for clarification that the locations receiving fill for must have a CEQA clearance.

Planning Director Hogan responded in the affirmative.

Applicant Markham confirmed that the Conditions requested by the Pechanga would be included in the Mitigation Monitoring Plan.

Planning Director Hogan again responded in the affirmative.

Applicant Markham introduced the project team and indicated that they were available to answer any questions of the Commission.

Commissioner Andre asked about the risk from landslides and land shearing.

Applicant Markham responded that geological studies were prepared, reviewed and approved by the County Geologist. He went on to state that the project site has very clean and stable decomposed granite soils which does not pose a significant landslide potential.

Commissioner Nowak asked if the grading could be done in such a way that the contours matched the native hillsides.

Applicant Markham responded that there were very few locations of straight line grading, noting that the majority of the grading was very curvilinear and would taper back into the natural slope. He added that the slope of 3:1 was used to eliminate the requirement of bench drains which would be visually intrusive. Mr. Markham indicated that they were open to work with Staff to further break up the north slope which is the only portion of the slope which is straight. In addition, the Applicant noted that significant native landscaping would be planted on the slopes.

Commissioner Nowak asked about a previous proposal that may have included less grading.

Applicant Markham responded that the County had requested that they explore different configurations which would require less grading. The applicant discussed the alternative configurations and the limitations of each, adding that the best configuration for the project was before the Commission.

Commissioner Nowak asked if Staff had reviewed the alternative designs. Planning Director Hogan responded that the alternative designs considered by the County lacked sufficient information in the project file for City Staff to properly analyze, however the designs appeared to provide insufficient quantities of parking. Director Hogan added that if the Commission feels that the Church could meet its need with fewer parking spaces, then they could consider a plan which would provide less parking.

Chairman Devine asked about the quantity of parking spaces needed by the church.

Applicant Markham indicated that the current plan meets the parking need and resolves both the water retention and athletic field issues.

Chairman Devine asked again if the proposed parking lot expansion would address the current need for parking or meet the future need of parking by the Church.

Applicant Markham deferred the question the Church for a response.

Cornerstone Community Church Pastor Ron Baum discussed the use of facilities and activities at the Church.

Commissioner Andre asked if the athletic fields would be available to the public. Pastor Baum indicated that Church events and programs were open to the Community and all Community members would be invited to participate.

Commissioner Andre noted that previous applications with the County did not include athletic field lighting and he inquired about the inclusion of it now.

Planning Director Hogan responded that Staff requested that lighting be added to the application because Church representatives had mentioned they might want to do this in the future and so the Commission could review the complete scope of the project.

Senior Pastor Ron Armstrong introduced himself to the Commission and responded to the questions about parking quantities needed by the church. Pastor Armstrong indicated that the size of the sanctuary was limited and that the parking lot expansion would only provide the facilities to meet the current demand of the sanctuary. He went on to describe that additional capacity was gained by adding additional services in the same sanctuary at different times of the day and week. He clarified that the proposed project would meet the long term goals of the Church and that there were no plans to expand the sanctuary.

Chairman Devine confirmed that the seating capacity in the Church was 1,064. Pastor Armstrong responded that the Church had fixed stadium style seating in the sanctuary that totaled approximately 1,064. Pastor Armstrong went on to discuss the logistics of scheduling the services so that there was adequate time between services to empty the parking lot and re-park vehicles for the next service.

Pastor Armstrong concluded by reminding the Commission that the Cornerstone Community Church represents a group of Wildomar residents and that the Church is an important part of the community.

Commissioner Casillas asked about the addition of services.

Pastor Armstrong responded that the church did not need more services, it needed additional parking.

Commissioner Nowak asked about the use of people to direct and monitor traffic at the site.

Pastor Armstrong responded that volunteers assist in directing traffic on Sundays and during large events the Sheriffs department has provided some assistance.

Commissioner Andre asked about the potential of the Church to expand service to 10,000 people.

Pastor Armstrong responded that the number of 10,000 was not possible due to the constraints of the site.

Commissioner Andre stated that he was not against the expansion of the Church but he went on to express his concerns with traffic created by grading activities during construction and future traffic in the area created by the church.

Chairman Devine began to call speakers from the audience.

Ofelia Filanc agreed with the concerns discussed by the Commission and added that she felt the project should provide a stop sign and/or signal at Mote Vista Drive.

James Filanc noted confusion about the posting procedures of the agenda. He then read a statement which discussed the neighborhood's concerns with the project. Among the concerns was objection to the length of time of grading activities, the future use of the church and the modification of the hillsides, he did however state that he was favorable to the plans to revegetate the site. Mr. Filanc also expressed concerns that the piecemealing of the project over time has violated CEQA requirements. Mr. Filanc went on to recommend that the Commission deny the project because insufficient mitigation measures have been required to address impacts to roads and air quality. Additionally, Mr. Filanc suggested that an EIR be prepared to better examine the impacts of the proposed project. Mr. Filanc concluded by asserting that a traffic study was needed to determine the impacts of the proposed project to the community's road network.

Chairman Devine thanked Mr. Filanc and indicated that the Commission was in receipt of his letter and had reviewed the issues he discussed. Mr. Filanc then distributed the statement he read to the Commission.

Mary Flores began by stating that no public notice was given for the project. She then affirmed that an EIR was needed and read section 21000 of the California Public Resources Code. Ms. Flores noted that the scope of the project had changed several times and was discussed previously at the Riverside County Planning Commission and noted that she had sent the Commission audio CD's from that earlier meeting. Ms. Flores discussed her concerns regarding size of the project, traffic congestion on the freeway, air quality, parking on Monte Vista, trails, compatibility with zoning, lighting, public use of the field and the amount of grading.

Chairman Devine responded that several of the speaker's comments pertained to past activities associated with the project and not to the current application before the Commission. Mr. Devine asked Director Hogan about the speaker's concerns raised about the public noticing for the project.

Director Hogan responded that the environmental document and staff report had each been available at City Hall for the required amount of time. Mr. Hogan concluded by disclosing that he had met with Ms. Flores to discuss the project on several occasions prior to the hearing.

Frank Roberts discussed his medical conditions and explained that his home is located on Via Carnaghi and would be completely surrounded by the church's project if

approved. Mr. Roberts stated that he felt the environmental document was incorrect and discussed the lack of time for him to review the project. Mr. Roberts concluded by referencing an upcoming meeting with Pastor Armstrong.

Eric Campbell explained that runoff from the site currently is a problem. Additionally, he discussed privacy issues created by the grading and the proposed placement of the athletic fields behind his home. He also discussed concerns with traffic and suggested that a Traffic Study was needed. He also discussed concerns with grading activities. Mr. Campbell concluded by referencing an upcoming meeting with the Church which he hoped would address his concerns.

Jesus Muñoz explained his opposition to the project because it would completely surround his property and impact his privacy, safety and the use of his property. He described the problems that resulted the last time construction occurred at the Church site. He went on to explain that the project would change the setting of his property. Mr. Muñoz concluded by stating that there needs to be agreement with the project and the property owners on Via Carnaghi.

Don Stacy described the lack of recreational amenities of the community and expressed support for the project because of the amenities it would bring to the area.

Tim Anderson discussed his experiences working with delinquent youth and expressed his support for the project because of its potential to provide activities and entertainment to the community's youth.

Dave Peters discussed his involvement with the church and the positive effects on the community he has observed as a result.

Tony Dieugenio discussed his involvement in the Church and youth sports. He also described the lack of sports facilities in the community. He concluded by expressing his support for the project.

Philip Goveia spoke in support of the Church and the Project.

Wanda Jackson shared her observations that traffic on Monte Vista is often traveling very fast.

Scott Blizzard discussed his support for the project as a parent of a student attending the school at Cornerstone.

Applicant Markham returned to make closing remarks. He clarified that the project before the Commission was PUP Revision 3, which only proposed the expansion of the parking lot and the repositioning of both athletic fields and retention basins. Mr.

Markham discussed the changes in the project since it was last presented to the County Planning Commission, highlighting that haul routes were shifted off Via Carnaghi and onto Monte Vista Drive. The Applicant went on to clarify that the project would not encroach into the Estate Density Residential area established by the General Plan. Mr. Markham disclosed that the County Transportation Department did not require a Traffic Study for the project because it did not propose any new buildings, nor would it generate any vehicle trips during peak hours. He went on to state that at the direction of the City of Wildomar's Public Works Department, their Traffic Engineer had conducted traffic counts at the site and concluded that the trips generated by the church are all off peak. He also added that athletic field lighting was added to the project so that the Commission could decide whether or not to allow it. The applicant summarized the street improvements the project would provide to Via Carnaghi.

Supervising Engineer Crawford added that it is unknown if a stop sign would be warranted at the intersection of Via Carnaghi and Monte Vista, but indicated that staff would evaluate the situation and if need, the Applicant would be required to install the signs. Mr. Crawford also clarified that once improved, Via Carnaghi would become a City Maintained street and ingress/egress could be restricted.

Applicant Markham then discussed the site Drainage and disclosed that the County Flood Control District and City Public Works Department had both reviewed the project and found that no drainage courses would be moved and all runoff created by the project would be detained onsite. Mr. Markham also noted that the detention basin would be designed to accommodate the drainage created by the project and the existing developed site. He went on to state that runoff from the athletic fields would be prevented from leaving the property and would not affect the properties on Via Carnaghi. He added that the Church would be agreeable to conditions which would provide increased privacy to the homes on Via Carnaghi and that the athletic field lighting would be shielded and directed down as to not illuminate surrounding properties. Mr. Markham recognized the problems with wildlife and vermin during grading activities and indicated that they would be agreeable to implementing a vermin abatement program prior to the issuance of a grading permit. The applicant then described the construction as phased beginning with the athletic fields. After the athletic fields were constructed, the current fields could be converted into drainage basins and construction on the parking lot expansion could take place. Mr. Markham then responded to several questions raised during the hearing noting that no restrooms would be provided on the athletic fields, the church utilizes a Septic System which the County Department of Environmental Health certified and approved, and danger posed by the high fire hazard area is moot as the project does not propose any structures and would be providing irrigated landscaping. Lastly, the Applicant stated that the Church could not control the speeds on Via Carnaghi but would be agreeable to work with the Public Works Department to design a road which could minimize speeds. Applicant Markham stated that they were agreeable to the CEQA document and felt it did

mitigate all the impacts of the project to a level of insignificance. He concluded by stating that the Church has been and will continue to work with residents to address their concerns with the project. Mr. Markham then made himself available to answer questions from the Commission.

Commissioner Andre stated that the project's impacts to the roads need to be studied and suggested that a Traffic Study needs to be completed. He then stated that he calculated the total linear feet of trucks required for grading activities to be 3 million feet or 568 miles. He also stated that he calculated that a truck would leave the site every 4 minutes and 13 seconds.

Chairman Devine asked Commissioner Andre if he had a question for the Applicant.

Commissioner Andre then asked the applicant how he would alleviate the impacts to the roads.

Applicant Markham asked for clarification on what was meant by impacts.

Commissioner Andre responded that he was referring to the impacts created by trucks hauling materials during grading activities.

Applicant Markham responded that he would need to obtain a haul permit from the City of Wildomar Public Works Department, the City of Menifee and the County of Riverside. Mr. Markham explained that the haul permits will have requirements limiting how the trucks enter/exit the road; clean-up spilled materials and repair damages to the roads adding that the applicant would be responsible for fixing the road should damages occur. The applicant went on to explain that the haul route permits would be obtained as fill sites were identified and approved, adding that two sites were already identified and approved in the cities of Menifee and Murrieta.

Commissioner Andre inquired about traffic impacts created by the trucks moving fill materials.

Applicant Markham responded that the traffic issues from the project had been studied and that the impacts would be inconsequential when considered with the system wide capacity, citing that there would be no decrease to the Level of Service at any of the surrounding intersections.

Commissioner Andre clarified that he was referring to future impacts to traffic created by the project.

Applicant Markham responded that if the project is not approved, the church site would remain unchanged and continue to utilize the site as it currently does. He went on to

note that building the parking lot expansion would not change the number of vehicle trips already generated by the church.

Commissioner Andre asked about widening Monte Vista Drive to 4 lanes to Baxter Road.

Applicant Markham responded that there was no nexus to those improvements.

Commissioner Andre stated that he observed that there were problems with traffic.

Chairman Devine asked about the routes trucks would take in and out of the property.

Applicant Markham responded that an agreement with the property owner to the north has allowed them to haul across his property enabling direct access to Monte Vista Drive. After the hauling operations have completed, the temporary road would be restored to its previous natural state.

Chairman Devine asked about taking ingress from Monte Vista Drive through the Church and providing egress on Via Carnaghi for normal church activities.

Applicant Markham deferred the question to one of the Church Officials.

Chairman Devine referenced a letter from the City of Menifee and asked the applicant about potential routes.

Applicant Markham responded that if the trucks needed to access I-15, they would most likely travel south on Monte Vista and onto Baxter Road. Mr. Markham also discussed the possibility of transporting fill material to the nearby Wal-Mart project.

Pastor Armstrong indicated that ingress/egress from the Church was currently about evenly split between Via Carnaghi and Monte Vista Drive. He went on to state that they were open to any preference by the City to dedicate ingress and egress routes for the church. Pastor Ron went on to state that it was the Church's belief that the parking lot expansion was necessary to protect the safety of parishioners.

Chairman Devine closed the Public Hearing.

Commissioner Andre stated that he had observed the traffic problems which occur at the site when an event is underway and that a Traffic Study was necessary. He went on to state that his other issue with the project was related to road damage caused by trucks hauling fill materials from the site.

Chairman Devine acknowledged the road maintenance issues and the limited resources of the City.

Commissioner Nowak asked how the conditions of the roads utilized in haul routes would be documented and how damages would be traced to the trucks hauling materials from the project.

Supervising Engineer Crawford responded that several strategies or equipment could be used to prevent impacts, such as scales to prevent the overfilling of trucks and temporary traffic signals. He went on to explain that a bond would need to be posted to prior to the approval of a haul route. Surveys of the condition of the pavement before and after the project construction would be conducted to determine the effect of the hauling activities on the roads. Restrictions would also be put in place to prevent the trucks from using certain roads during peak hours. Engineer Crawford suggested that conditions could be added which would shut down the operations if trucks are tagged by Code Enforcement and/or the Sheriff's Department.

Commissioner Nowak asked if all the Right-of-Way had been acquired for Via Carnaghi or if additional land would need to be dedicated.

Supervising Engineer Crawford responded that currently the road was dedicated but not accepted for maintenance.

Commissioner Nowak asked if a condition could be added to keep a dialogue open between the church and the neighbors.

Director Hogan responded that he had conceptualized a draft condition that would require the project to submit a privacy plan prior to the approval of the landscape plan for the athletic fields. The plan would be required to protect the privacy of residents along Via Carnaghi.

Commissioner Nowak asked about the approval process for the plan.

Director Hogan responded that it would be approved by the Planning Department but that it would be shared with the property owners.

Commissioner Nowak added that he wanted to see safer conditions for traffic.

Pastor Armstrong stated that the project had already been conditioned to provide improvements to Via Carnaghi. He added that City Staff already had examined the project and would monitor the construction.

Chairman Devine acknowledged the safety concerns relating to the current parking and traffic situations at the Church. He went on to express his concerns with keeping the

Church engaged in discussions with the residents on Via Carnaghi so that their concerns are properly addressed.

Pastor Armstrong stated that the condition posed by Director Hogan appeared to be sufficient to address the concerns of the Commission.

Commissioner Casillas stated that ideally he would like to see some agreement between the church and the neighbors.

Commissioner Nowak asked how the City could get the two parties together.

Director Hogan explained the complexity of Commissioner's Nowak's question. Mr. Hogan went on to ask about the specific issue that the Commission was concerned about.

Chairman Devine indicated that the issue was protecting the privacy of the residents on Via Carnaghi.

Pastor Armstrong responded that the Church was in agreement with the proposed condition requiring the approval of a privacy plan and reminded the Commission that the City was in a position where it could deny the advancement of the project at any point should any aspect of the project violate the terms and conditions of approval.

Director Hogan added that there would be flexibility in the grading permits to ensure that Staff has the ability to correct any problems that occur during the process. Mr. Hogan went on to explain that limiting the hours of operation is a good start to prevent truck traffic during peak hours.

Supervising Engineer Crawford added that traffic flow impacts caused during construction could be addressed, however because the proposed parking lot expansion would not construct buildings, there would be no nexus to required additional traffic mitigation.

Chairman Devine inquired about traffic created during construction.

Supervising Engineer Crawford responded that the haul route permits would address the impacts created during construction. He added that traffic associated with construction activities generally does not significantly impact the road network and he discussed how the haul route permits would mitigate impacts.

Chairman Devine discussed the written communications received about the project and added that he believed he had heard sufficient evidence that the project had been designed in such a way to address the concerns of the public. He went on to explain

that the only outstanding issue with the project was the potential damage to the roads from construction vehicles, however bonding that would be required to secure permits appeared to address that issue.

Commissioner Andre stated that he had observed the traffic and explained that it was a problem. He also stated the need of a four-way stop at Baxter Road and Monte Vista Drive. Mr. Andre indicated that he understood that the scope of the project would not have traffic impacts, however he explained that the traffic was a problem and suggested that the item should be continued until more specific information was available on the project. He went on to discuss traffic problems on Bundy Canyon Road.

Commissioner Nowak clarified that the parking lot expansion would not increase the capacity of the church and would thus not change the number of parishioners.

Chairman Devine noted that it would create construction traffic.

Commissioner Nowak agreed with Chairman Devine and added that the traffic impacts created during construction would be mitigated in the Public Works permitting process for the grading and hauling.

Chairman Devine agreed with Commissioner Nowak and also recognized the need for the project. He went on to state that he felt the impacts of the project would be mitigated with the Public Works permitting process. Mr. Devine also stated that he hoped the neighbors and the Church could meet and find consensus on the issues surrounding the construction of the project such as the location of truck staging. He then asked if a member of the Commission wanted to make a motion.

Assistant City Attorney Jex clarified that a vote on the project would begin with the environmental document and then proceed to the PUP revision. He also noted that there were several conditions of approval which had been discussed and that a motion would need to include those additional mitigation measures.

MOTION: Commissioner Nowak motioned to approve resolution PC09-019 adopting Mitigated Negative Declaration number 08-0163 as amended with the errata sheet. The motion was seconded by Commissioner Casillas. Motion carried, the following vote resulted:

AYES: Devine, Nowak and Casillas.
NOES: Andre
ABSENT:
ABSTAIN: Dykstra

MOTION: Commissioner Nowak motioned to approve resolution PC09-020 approving the Third Revision to Public Use Permit 778 (08-0163) as amended with modifications to conditions of approval 30 through 35, 46 and at the suggestion of the Planning Director, added the following Condition of Approval: Prior to the approval of any landscape plans for the athletic fields, the applicant shall submit a plan to the Planning Department demonstrating how visual and privacy effects on the residential properties on the east side of Via Carnaghi are addressed; this plan shall be shared with the affected property owners for their review and comment. The motion was seconded by Commissioner Casillas. The motion carried, and discussion ensued.

Commissioner Andre asked if the athletic field lighting was included in the motion to approve.

Commissioner Nowak indicated that it was.

Commissioner Andre stated that there were issues with the lighting and that he felt that the issue should be removed from the motion and discussed further.

Commissioner Nowak responded that Staff would address the lighting and privacy concerns through the permitting process and with the Privacy Plan.

Commissioner Andre suggested that the lighting be separated from the motion and addressed separately.

Commissioner Nowak asked for clarification if the motion he introduced would inhibit Staff's ability to modify the lighting should it conflict with the privacy plan or create unforeseen problems.

Director Hogan responded that the approval in the motion would allow the Church to put in the lighting but not specify an exact location or design. The exact location and design of the lighting would be approved by Staff prior to the issuance of a Building Permit. At that time, privacy and other issues would be considered before approval by Staff.

Commissioner Andre indicated that he understood, but stated that if the project was approved, the Church would not continue working with the neighbors to address their problems.

Commissioner Nowak disagreed.

Assistant City Attorney Jex clarified that the motion to approve had not been modified.

Chairman Devine asked Commissioner Andre if he wanted to amend the motion.

Commissioner Andre stated that he did not have a problem with the project but that he would like to have the lighting removed.

Chairman Devine asked the Applicant how many outdoor events would occur past eight o'clock at night.

Pastor Armstrong responded that events taking place in summer past eight would not require the use of the athletic field lighting and speculated that there would be far fewer than 85 events per year at the athletic fields.

Commissioner Nowak inquired about the weekly frequency of events.

Pastor Armstrong indicated that there would be football games on Friday nights and occasionally a late practice. He also indicated that they would be open to requirements by the City to limit the use of the lighting. He then disagreed with Commissioner Andre about the Church not continuing to negotiate with its neighbors.

Commissioner Andre stated that he had two issues with the project which were traffic and lighting.

Pastor Armstrong responded that the church members were members of the community and that they generated traffic.

Commissioner Andre stated that the issue was traffic mitigation.

Pastor Ron responded that the church was open to operational limitations on the lighting and indicated that he was in agreement with Staff's recommendation of turning off the lights by 10 PM.

Commissioner Nowak agreed that a 10 PM cut off was reasonable and that he did not want to amend his motion.

Pastor Ron then asked for clarification that there was a motion and a second on the floor.

Assistant City Attorney Jex responded in the affirmative and added that the motion included changes outlined in the errata sheet and the condition suggested by the Planning Director.

Chairman Devine asked if the amendments included removing the approval of the athletic field lighting.

Assistant City Attorney Jex responded that the motion maker had declined to remove the approval of athletic field lighting from the motion.

Chairman Devine asked for clarification about the use of the lights during the dark months of the year.

Pastor Armstrong responded that there were 7 dark months during the year. He also indicated that the Church would be open to limiting the operation of the lighting to certain times or days of the week.

Chairman Devine again asked for clarification about the use of the lights during the dark months of the year.

Applicant Markham stated that the privacy plan would address the usage of the athletic field lighting and mitigate any problems. He went on to explain that the privacy plan amendment proposed by the Planning Director would address the issues.

Commissioner Andre indicated that he was satisfied with that applicant's response.

Planning Director Hogan added that the Condition was designed to be a performance based condition that would allow the applicant flexibility to completely address any problems created by the athletic field lighting. He went on to add that it would also allow Staff to work with the neighbors and the developer.

Commissioner Nowak added that he felt the Commission had clearly stated their concerns about privacy and lighting to Staff during the meeting.

Applicant Markham indicated that they also understood the Commission's concerns and that they were satisfied with the condition.

Assistant City Attorney Jex asked the Applicant for confirmation that they agreed to the conditions of the project.

Applicant Markham agreed.

Chairman Devine called for a vote.

The following vote resulted from the motion:

AYES: Devine, Andre, Nowak and Casillas.
NOES:
ABSENT:
ABSTAIN: Dykstra

City Attorney Jex clarified that the vote was 4-0 with one abstention.

Chairman Devine responded in the affirmative. He then requested that Vice-Chairman Dykstra return to the Council Chambers.

6.0 GENERAL BUSINESS ITEMS:

None.

7.0 ADMINISTRATIVE HEARINGS REPORT:

None.

8.0 PLANNING DIRECTOR'S REPORT:

None.

9.0 PLANNING COMMISSION COMMENTS:

None.

10.0 ADJOURNMENT:

The September 16, 2009 regular meeting of the Wildomar Planning Commission adjourned at 10:38 P.M.

Respectfully submitted:

David Hogan
Commission Secretary

**CITY OF WILDOMAR
PLANNING COMMISSION REGULAR MEETING MINUTES
OCTOBER 7, 2009**

1.0 CALL TO ORDER

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

1.1 Roll Call showed the following:

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

Absent: None

Staff Present: David Hogan, Planning Director
 Debbie Lee, City Clerk
 Thomas Jex, Assistant City Attorney
 Jon Crawford, Supervising Engineer
 Alia Kanani, Planner

1.2 Pledge of Allegiance

Commissioner Nowak led the flag salute.

2.0 PUBLIC COMMENT

None

3.0 APPROVAL OF MINUTES

Chairman Devine inquired about the Minutes.

Planning Director Hogan stated the last meeting was quite lengthy and Staff has not completed the Minutes of that meeting as of yet.

4.0 CONTINUED PUBLIC HEARING ITEMS

None

5.0 PUBLIC HEARING ITEMS

- 5.1 CHANGE OF ZONE, PLOT PLAN AND TENTATIVE PARCEL MAP 35938 (08-0166):** The project proposes a Tentative Parcel Map, Change of Zone from Rural Residential to General Commercial for the development of two commercial retail buildings totaling 20,894 square feet and a 9,305 square foot daycare facility on a 4.16 acre site located at the intersection of Clinton Keith Road and Stable Lanes Street, APNs: 380-120-012, & 380-120-013.

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

Chairman Devine stated he has visited both sites and has not spoken with anyone associated with this project at either site.

Vice Chairman Dykstra and Commissioner Andre stated they had also visited the sites.

Planner Kanani presented the staff report.

Vice Chairman Dykstra stated, regarding the removal of dirt, where is the haul route.

Engineer Crawford answered it is standard operating procedure that a haul route permit will be required before a grading permit is issued. At this time they do not have a haul route.

Vice Chairman Dykstra inquired if the Planning Commission needs to see that before they can approve a project.

Planning Director Hogan stated that is a ministerial procedure, however they can inform the Planning Commission when the permit is issued.

Vice Chairman Dykstra stated that bicycle lanes are not included, and he sees this on all projects. He inquired how to get bike lanes included in projects.

Engineer Crawford stated the City would have to change the standards. Presently the major arterials do not require them, nor does the General Plan.

Vice Chairman Dykstra inquired if the Planning Commission can request this of the City Council.

Planning Director Hogan answered that Staff can bring this to the City Council. Ultimately the final decision is with the City Council.

Assistant City Attorney Jex stated this is best addressed under general business.

Discussion ensued regarding the difference in elevations between the two buildings in front and the day care center; and the removal of the eucalyptus trees.

Chairman Devine opened the public hearing.

Jim Bach, Markham Development, representing the applicant, stated they agree with the conditions of approval. He addressed the haul route issue stating the dirt will be hauled to a location on Palomar by the Murrieta border. It is the same location that the renaissance plaza dirt was hauled to.

Chairman Devine inquired if there are any retail tenants proposed.

Mr. Bach answered they do not have any at this time. They are not looking for much retail as they are for upscale fast food type of services.

Discussion ensued regarding the trees and plants to be used in the landscaping, specifically changing the brazilian pepper with coast live oak.

There being no speakers, Chairman Devine closed the public hearing.

Vice Chairman Dykstra stated he would like to see the City put together some design standards that are different from the other cities. He would like to see the Mediterranean look of houses change to something else.

A MOTION was made by Vice Chairman Dykstra, seconded by Commissioner Andre, to recommend that the City Council adopt Mitigated Negative declaration #08-0166. Motion carried, 5-0.

A MOTION was made by Commissioner Andre, seconded by Commissioner Casillas, to recommend that the City Council approve the change of zone from Rural Residential to General Commercial. Motion carried, 5-0.

A MOTION was made by Vice Chairman Dykstra, seconded by Commissioner Nowak, to recommend that the City Council approve plot plan 08-0166; and condition the Brazilian peppers be replaced with Coast live oak. Motion carried, 5-0.

A MOTION was made by Commissioner Nowak, seconded by Commissioner Casillas, to recommend that the City Council approve parcel map 35935. Motion carried, 5-0.

5.2 CHANGE OF ZONE AND CONDITIONAL USE PERMIT/PLOT PLAN 09-0265:

The project proposes to change the zoning from Rural Residential (R-R) to General Commercial (C-1/C-P) for three parcels and locate a 5,280 square foot modular building and outdoor wholesale nursery on a 1.54 acre site on the northwest corner of Almond Street and Bundy Canyon Road, APNs: 366-210-052, 366-210-053, & 366-210-054.

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

Planning Director Hogan stated this project is an interim project and is clearly not the ultimate use of the site. Given the current economic conditions nationally and locally, this project would most likely not occur.

Commissioner Nowak inquired if this is an interim use, why do the zone change would could potentially be changed again with a permanent use.

Planning Director Hogan stated the zone change is consistent with the General Plan and is for all three parcels. The zone change is the only permanent part of this proposal.

Discussion ensued regarding consistent zone changes.

Commissioner Andre stated the Commission does not know what is going to be put on the other two lots.

Planning Director Hogan stated it is within the Commission's decision to not change the zone on the other two parcels.

Planner Kanani presented the staff report.

Vice Chairman Dykstra inquired if there are structures on the other two parcels.

Planner Kanani answered there are some temporary modular units there.

Planning Director Hogan stated the two units on the front will stay for the duration of the project, however they will be removed once the permanent use is in place.

Vice Chairman Dykstra stated he does not care for the road issues. He would like to see the applicant develop Almond Street to Bundy Canyon.

Planning Director Hogan stated they are not currently conditioned to do so, however, the Commission can request this.

Commissioner Andre stated the trees need to go around the property. There are residents there and the buffers are needed. He would like to know what buffers are to be put in place.

Planner Kanani stated there are limited hours of operation, with no evening hours.

Chairman Devine opened the public hearing.

Larry Markham, Markham Development, representing the applicant, gave an overview and history of the project. At some point in the future, when the economic climate and finance markets are better, they will come forward with a permanent project. They are anticipating a mix of office and retail on the entire site. The nursery will be relocated elsewhere when this occurs. He stated there will be approximately 12 employees on site, and workers who will come in the morning for assignments, leave the site, and return in the late afternoon. There will be no dump trucks, or trucks of that nature. There will be pickup trucks that will come from time to time to get material. He described what the property currently has on it, landscaping, and drainage. He also stated that in the staff report it states their front setback is 6' and it is actually 16'.

Commissioner Andre inquired if this project could have a timeline on it, such as it will only be for two years, etc. Additionally, on the north end there needs to be some buffering for the residents.

Mr. Markham agreed.

Discussion ensued regarding the 5200 square foot building on the property; putting a time frame on the this interim use; and if the property is located in the RDA.

At 8:20 p.m. the Planning Commission recessed.

At 8:32 p.m. the Planning Commission reconvened with all Commissioners present.

Planning Director Hogan stated that the property is within the RDA.

Discussion ensued regarding the building and the use of the building and property; putting a five year cap on the interim use; if the trailers are to be vacant, then they need to be removed.

Mr. Markham agreed that the empty modular buildings will be removed.

Commissioner Andre asked if the building can be reduced in size.

Mr. Morales, owner, stated the size is needed as an office space. They do not have a great deal of foot traffic and the space will be used for office, a conference room, break room, and a showcase to display their materials.

Vice Chairman Dykstra inquired if Mr. Morales would finish Almond Street to Bundy Canyon.

Mr. Morales agreed that he would. Additionally, he agreed to remove the dilapidated houses that are there as well. They will have to get the Bank to approve that.

Mr. Markham stated the reasons they are developing where they are is because of the substantial expense on Bundy Canyon.

Commissioner Nowak asked what the timeline is for the facade improvements that are shown in the exhibits.

Mr. Markham answered it would all be done in the building permit process, which would be approximately six months.

SPEAKERS:

Richard Garcia, resident, presented a petition and stated they are not in favor of the project as it stands. The traffic on Almond is very busy. If there were changes, such as using Bundy Canyon, they would be more open to it. He feels there should be some kind of wall around the property to keep the noise level down.

Mr. Markham stated eventually there will be an access on Bundy Canyon and Almond. They will take the petition into consideration, however, there are items they have no control over, such as the High School students parking on the street. In regards to the wall, there will be one along the North, however to go any further would not be feasible. It would have to come down in the future for

visibility reasons when they develop the site for the permanent use. In the interim they will shield the area so it is not visible.

Discussion ensued regarding the access issues.

There being no further speakers, Chairman Devine closed the public hearing.

Assistant City Attorney Jex stated he would like to comment on this being an interim use and that it would only be such for a limited amount of time. There is a phrase that states "entitlements run with the land". In this case it would be "conditional use permits run with the land". If this CUP is granted it will stay with the land and remain valid forever, even if sold. The process to take away a property right is enormous and can only occur if there is a violation of City codes. If you want to put that condition in, you need to know that it is most likely not enforceable.

Commissioner Andre stated that he objects to an interim use and there are seven other landscape material locations in that area. He feels that the City needs as much Commercial property as possible.

Vice Chairman Dykstra stated he feels Mr. Morales should be able to use his property as he wants. He feels the Commission should make sure that it is the best business for the site within the constraints of a small business budget. He would like to put some conditions on the project, such as extending Almond Street to Bundy Canyon Road, but other than that, he is grateful the business is coming to the City. He agrees it is not the ultimate use of the property, but this is a good start for a small business.

Commissioner Nowak stated he is appreciative that the business is coming to Wildomar. The renderings of the modular building that will be staying look nice and feels this is a good interim use.

Chairman Devine stated he has several reservations. Bundy Canyon is a major arterial and will bring some good businesses along there as the City builds. He does not like temporary uses and he is concerned that there will not be a way to reverse an approval once it is made. The renderings look fine, but in the long run it does not fit into the vision of Wildomar.

Discussion ensued regarding zoning on the property and surrounding properties; and the repercussions of granting an interim use.

Vice Chairman Dykstra stated the County promised consistency zoning back in 2005. They never did it. Mr. Morales should have had his zone change done for

free if the County had kept their word. If we have consistency zoning it would stimulate development in Wildomar. Rezoning is not the issue.

A MOTION was made by Commissioner Nowak, seconded by Vice Chairman Dykstra, to recommend that the City Council adopt Mitigated Negative declaration #09-0265. Motion carried, 4-1, with Commissioner Andre dissenting.

A MOTION was made by Vice Chairman Dykstra, seconded by Commissioner Andre, to recommend that the City Council approve the change of zone from Rural Residential to General Commercial. Motion carried, 5-0.

A MOTION was made by Commissioner Nowak, seconded by Commissioner Casillas, to continue to November 4, 2009, the approval of the conditional use permit for #09-0265 until such time as an agreement can be reached regarding a condition for the length of time the approval is in place. Motion carried, 4-1, with Vice Chairman Dykstra dissenting.

6.0 GENERAL BUSINESS ITEMS

6.1 City Attorney Report on the Tracy First v. City of Tracy court case.

Assistant City Attorney Jex stated there was a case that was decided regarding environmental impact reports. He then outlined the case. The Court stated that if the Council had made changes to the project, then it must go back to the Planning Commission, however if they only modify the EIR then it does not have to go back to the Planning Commission.

Vice Chairman Dykstra inquired who monitors that at the Council level.

Assistant City Attorney Jex answered, the City Attorney, the Planning Staff and Engineering Staff.

Vice Chairman Dykstra asked if Commissioners can attend the meetings.

Assistant City Attorney Jex answered yes.

7.0 ADMINISTRATIVE HEARINGS REPORT

None

8.0 PLANNING DIRECTOR'S REPORT

Planning Director Hogan thanked City Clerk Lee for filling in for Planner del Solar.

9.0 PLANNING COMMISSION COMMENTS

Vice Chairman Dykstra stated he would like the bike lanes and consistency zoning addressed to the City Council.

Planning Director Hogan stated there are two ways to approach this; one is at the General Plan level where we can amend the cross section; the second way is to set up an alternate engineering standard that would allow for the bike lane to be striped on the six lane roads.

Discussion ensued regarding bike lanes.

It was the consensus of the Commission to have Staff take up with the City Council and City Manager the idea of cross section of existing roadways for bike lanes.

10.0 ADJOURNMENT

There being no further business, Chairman Devine adjourned the meeting at 9:50 p.m.

Respectfully submitted,

David Hogan
Commission Secretary

CITY OF WILDOMAR – PLANNING COMMISSION
Agenda Item 4.1
CONTINUED PUBLIC HEARING
Meeting Date: November 4, 2009

TO: Chairman Devine, Members of the Planning Commission
FROM: Alia Kanani, Planner
SUBJECT: DLC Almond Office

Change of Zone and Conditional Use Permit 09-0265 – The project proposes to change the zoning from Rural Residential (R-R) to General Commercial (C-1/C-P) for three parcels and locate a 5,280 square foot modular building and outdoor wholesale nursery on a 1.54 acre site on the northwest corner of Almond Street and Bundy Canyon Road in Wildomar, California.

APN: 366-210-052, 366-210-053 and 366-210-054

It is recommended that the Planning Commission:

1. Adopt a resolution entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR RECOMMENDING THAT THE CITY COUNCIL ADOPT A RESOLUTION ENTITLED “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR APPROVING CONDITIONAL USE PERMIT 09-0265 TO ALLOW FOR A 5,280 SQUARE FOOT MODULAR BUILDING AND OUTDOOR WHOLESALE NURSERY ON A 1.54 ACRE SITE LOCATED ON THE NORTHWEST CORNER OF ALMOND STREET AND BUNDY CANYON ROAD AS ASSESSOR’S PARCEL NO. 366-210-052”

BACKGROUND:

The applicant is proposing the installation of a 5,280 square foot modular building and construction of an outdoor wholesale nursery a 1.54 acre site on the on the west side of Almond Street (366-210-052). The project will also include a change of zone for the 1.54 gross acre wholesale nursery site (366-210-052) and the two adjacent parcels to the south (366-210-053 and 366-210-054), which are 1.56 gross (1.10 net) acres and 1.44 gross (1.16 net) acres in size respectively.

The three parcels have a General Plan Land Use designation of Commercial Retail (CR) and are zoned Rural Residential (R-R). All three parcels are owned by the same property owner and are mostly vacant with the exception of several mobile homes. The current drainage pattern on the site is primarily to the southwest across all three properties from Almond Street to Bundy Canyon Road. The project site, including the adjacent properties to the south, is fairly flat with elevations ranging from 1337 feet above mean sea level to 1346 feet above mean sea level. Vegetation on the site consists of non-native grassland, weeds, shrubs and a few ornamental trees. The location of the project is provided in Attachment B. The General Plan Land Use and Zones 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*	Residential/Vacant	Commercial Retail (CR)	Rural Residential (R-R)
North	Commercial/Industrial	Medium Density Residential (MDR)	Rural Residential (R-R)
South	High School	Public Facilities (PF)	Rural Residential (R-R)
East	Residential	Medium Density Residential (MDR)	One-Family Residential (R-1-20000)
West	Commercial/Industrial	Medium Density Residential (MDR)	Rural Residential (R-R)

**Includes all three lots as the subject property; 366-210-052,366-210-053 and 366-210-054.*

The applicant proposes to install a 5,280 square foot, one-story modular building in the northeast corner of the 1.54 acre site. A nursery and materials yard will be located in the rear of the property. The property owner, Moralez Enterprises, currently runs a wholesale nursery business in the City of Winchester. The new location on Almond Street will replace the sales and administrative operations at the Winchester location. Proposed business hours of operation are 7:00am to 5:00pm Monday through Friday and 8:00am to 4:00pm on Saturday. The wholesale nursery will be closed on Sundays. The owner anticipates that he will have 12 employees at the Almond Street location. The property owner also owns the two parcels to the south that will be part of the change of zone. At this point the property owner does not have any development plans for the parcels.

DISCUSSION:

Site Development

The proposed Change of Zone was considered by the Planning Commission at a previous public hearing. At that time the Commission decided to recommend approval of the change of zone to the City Council. As a result, the discussion on the change of zone request has not been repeated in this staff report.

Chapter 17.72.030 of the Wildomar Zoning Code specifies the development standards for the projects located in the General Commercial Zone. There are no yard requirements for buildings which do not exceed 35 feet in height except as required for a specific plan. The modular building for the wholesale nursery does not exceed 35 feet and the project is not part of a specific plan. The 5,280 square foot modular building will be located in the northeast corner of the lot 6.5 feet from the front property line and 10 feet from the northern (side) property line. The building will be the administrative offices for the wholesale nursery. The floor plan for the project included an open office area, eleven smaller offices, one large open office, a conference room and men's and women's restrooms.

The nursery and materials yard will be located in the rear of the property. The site plan shows fourteen 8 foot wide concrete material bins. There will also be an area for boxed trees, two 10 yard roll offs for green waste, areas for plants, shrubs, trees and other landscaping materials.

The maximum building height in the General Commercial (C-1/C-P) zone 50 feet per Section 17.72.030.C. The modular building will be limited to one-story with a maximum building height of 18 feet.

The off-street parking requirement per Chapter 17.188.030 for a wholesale nursery, which is classified as a professional business office, is one parking space per 200 square feet of gross floor area. The project proposes a 5,280 square feet modular building which requires a minimum of 27 parking spaces per the zoning code. The site plan for the wholesale nursery shows 29 parking spaces. Two van accessible handicapped parking spaces are required for 26-50 parking spaces. The current site plan for the wholesale nursery project incorporates a total of 31 parking spaces including the two van accessible handicap parking.

Access to the proposed wholesale nursery is taken from Almond Ave. The paved driveway will be 30 foot wide at the entrance of the property and narrows to 24 feet wide to allow for two-way travel. The driveway entrance for wholesale nursery will require an access/ingress easement across the parcel to the south (366-210-054) as the proposed driveway will encroach on the southerly property. The reciprocal access agreement will be required prior to the issuance of a grading permit. When the property to south is developed, the proposed driveway configuration will allow for a shared driveway for both

parcels. In addition, the project will be conditioned to improve Almond Street per the City of Wildomar Road Improvement Standards & Specifications.

The proposed modular building will have some basic architectural features to complement the adjacent residential neighborhood. The building exterior will be a sand finish plaster/stucco with a faux stone wainscoting along the lower wall sections. The modular building will have decorative columns and covered roof projections to provide a three dimensional design component and varying rooflines. A composite shingle roof in Estate Grey will further add a residential feel to the building. Fabric awnings in burgundy will be located above the windows on the east (Almond Street), west and south sides of the building. A condition of approval has been included to require that any roof-mounted vents or equipment not project above the height of the parapet. The south elevation includes a proposed building sign for the wholesale landscaping business above the main entrance. The project will be conditioned to provide a complete sign package for the review and approval of the Planning Department prior to the installation of any signs. The proposed building elevations are included in Attachment E.

A preliminary landscaping plan was prepared by Alhambra Group for the wholesale nursery project. The preliminary landscape plan proposes to concentrate landscaping around the building, parking areas and along the edge of Almond Street. The landscaping plan shows twenty-one Fern Pine (*Podocarpus Gracilior*) trees and eight Chinese Pistache (*Pistacha Chinensis*) trees along the perimeter of the modular building and parking lot. As for shrubs, the preliminary landscaping plan proposes a variety of scrubs including but not limited to Lily of the Nile (*Agapanthus Africanus* 'Queen Anne'), Fortnight Iris (*Dietes Vegeta*), and Indian Hawthorne (*Raphiolepis Indica* 'Clara'). The shrubs will be planted around the modular building, along the parking areas, driveway and behind the concrete material bins on the northern property line. While not permanent landscaping, boxed trees will line the rear property line and northern property line where the landscaping ends and provide additional screening. When the landscape construction and irrigation plans are submitted to the City, staff will evaluate the final locations for all of the proposed plant materials to ensure adequate shading and screening. All landscaping will be required to comply with City of Wildomar standards for coverage, quantity, type, and location.

The Planning Commission initially considered this project on October 7, 2009. At that public hearing, the Commission approved the environmental document and the proposed change of zone to General Commercial (C-1/C-P) but continued the conditional use permit to the November 4, 2009 Commission to provide the City Attorney an opportunity development language to address the Commission's concerns about this interim project becoming a permanent use and how any potential operational limitations can be addressed.

Operational Limitations

In considering the concerns of the Planning Commission, the City Attorney reviewed possible options to address the interim/permanent issue. As a result of his research,

the City Attorney is recommending that, if the Commission wants to ensure that the continued operation of the business does not become permanent, that an amortization period be established. The concept of an amortization period is to allow the use of the facility/site for a set period of time before the Planning Commission holds a public hearing to provide the property owner an opportunity to address the Commission before the business activity is required to cease.

The primary question for the Planning Commission is how long of a period the business should be allowed to stay. The applicant has requested a minimum of seven years. Staff would suggest that a period of between seven and ten years is very reasonable. Amortization periods less than five years do not appear to be reasonable since it does not really provide adequate time to operate on the site. Periods longer than 10 years do not seem to be interim. If the Planning Commission is interested in allowed the use to continue for more than seven years, then the proposed conditions of approval will need to be modified. The implementation of the approach would require the addition of three new conditions of the approval. These new conditions are as follows.

New Condition 30:

“Applicant expressly agrees that the use of this Property as a Landscape Nursery Business shall be a temporary use. Because it is a temporary use, Applicant agrees to an "Amortization Period" which reflects the estimated useful life of the business at this location as well as a reasonable timeframe for the Applicant to recover a reasonable return on the investment. The Amortization Period shall be seven (7) years from the date of issuance of a Certificate of Occupancy. Applicant agrees that use of the Property as a temporary landscape office and nursery business shall cease prior to the expiration of the Amortization Period and Applicant shall restore the Property to its pre-construction condition.”

New Condition 31:

“One (1) year prior to the termination of the Amortization Period, the Planning Commission shall hold a public hearing in order to evaluate the compatibility of the Project with the surrounding area. The Planning Commission may agree to extend the Amortization Period and apply additional conditions or requirements to address any issues relating to land use compatibility.”

New Condition 32:

“Prior to the issuance of grading or building permits, the Applicant shall prepare and record, in a form approved by the Planning Director and City Attorney, a Declaration of Restrictive Covenants (Declaration) stating that the use of the Property as a temporary Landscape Nursery Business shall cease upon the expiration of the Amortization Period. The City shall be named as a beneficiary of the Declaration for the purposes of protecting the interest of the community and shall have the right, but not the obligation, if the Declaration is breached to

exercise all rights and remedies, and to maintain any actions or suits at law or in equity or other proper proceedings to enforce the curing of such breaches to which it or any other beneficiaries of the Declaration may be entitled. The Applicant agrees that continued use of the Property as a landscape office and nursery business after the expiration of the Amortization Period or a violation of any term of the Declaration shall be deemed a public nuisance under the provisions of the Wildomar Municipal Code and the City may initiate proceedings to revoke the Conditional Use Permit.”

Staff recommends that the Planning Commission evaluate the proposed supplemental conditions of approval ensuring that the proposed office/nursery use remain interim and recommend approval to the City Council for Conditional Use Permit 09-0265 and subject to the attached conditions of approval.

FINDINGS:

Conditional Use Permit

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

The General Plan Land Use Designation for the project site is Commercial Retail (CR). The proposed zone change is from Rural Residential (R-R) to General Commercial (C-1/C-P). The change of zone to General Commercial would be consistent with the Commercial Retail General Plan Land Use Designation and would allow for a wholesale nursery. Approval of a conditional use permit is required for the outside material sales yard component of the wholesale nursery project under Chapter 17.72 of the Wildomar Zoning Code. The wholesale nursery is consistent with the intent of the Zoning Ordinance since it meets/or exceeds the minimum development standards of the General Commercial as illustrated in the Development Standards section of the Staff Report relative to setbacks, lot coverage, building heights and parking. Additionally, conditions have been added to the project to ensure that all the minimum requirements of the City Municipal Code are met (see Exhibit A). Further, the applicant will be required to comply with these conditions prior to obtaining building or grading permits.

The General Plan land use designation for the site is Commercial Retail (CR). The proposed wholesale nursery would be an allowed use in the Commercial Retail area and would conform to the General Plan policies including LU 23.1, which accommodates for the development of commercial uses in areas appropriately designed by the General Plan and area plan land use maps. In addition, General Plan policy LU 23.4 which accommodates for community-oriented facilities, such as telecommunications centers, public meeting rooms, daycare facilities and cultural uses. This project is consistent with the General

Plan Land Use polices by providing a community-oriented commercial use, a wholesale nursery, in an area appropriately designated by the General Plan and area plan land use maps. In addition, the change of zone for the two parcels to the south of the wholesale nursery project site would allow for future commercial development in the area consistent with the General Plan. 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 project site has been designed to meet all of the development standards of the General Commercial Zone (C-1/C-P) as illustrated in the Development Standards section of the Staff Report relative to setbacks, lot coverage, building heights and parking such that it will not be detrimental to the public health, safety or welfare. The location of the building will not conflict with the existing parking area or with on-site circulation since the parking spaces and drive aisles meet the minimum standards as illustrated in the Development Standards section of the Staff Report. Future development of the two parcels to the south of the wholesale nursery project site shall be subject to a conditional use permit application to ensure consistency with the development standards of the General Commercial Zone.

ENVIRONMENTAL ASSESSMENT:

The Planning Department prepared and circulated an Initial Study for the Mitigated Negative Declaration for Planning Application 09-0265. A notice was published in The Californian, and was mailed to all property owners within a 300 foot radius of the project site. A copy of the environmental review document was also circulated to potentially interested agencies and was available for public review at City Hall. The document was available for review from September 16, 2009 to October 5, 2009. No "Potentially Significant" impacts were identified in the Initial Study. However, there were impacts determined to be "Less than Significant" with mitigating factors and mitigation measures identified in the Initial Study. During the public review period, the City did not receive any comments concerning the proposed project. The Initial Study and Mitigated Negative Declaration are contained in Attachment Exhibit G. The Planning Commission approved the Mitigated Negative Declaration at the October 7, 2009 meeting.

ATTACHMENTS:

- A. Resolution of Approval for Conditional Use Permit 09-0265
Exhibit A – Conditions of Approval
- B. Location Map
- C. Change of Zone Map
- D. Revised Site Plan
- E. Elevations
- F. Floor Plans
- G. Initial Study/Mitigated Negative Declaration

Approved by:

David Hogan
Planning Director

ATTACHMENT A

RESOLUTION NO. 09-_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR RECOMMENDING THAT THE CITY COUNCIL ADOPT A RESOLUTION ENTITLED “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR APPROVING CONDITIONAL USE PERMIT 09-0265 TO ALLOW FOR A 5,280 SQUARE FOOT MODULAR BUILDING AND OUTDOOR WHOLESALE NURSERY ON A 1.54 ACRE SITE LOCATED ON THE NORTHWEST CORNER OF ALMOND STREET AND BUNDY CANYON ROAD AS ASSESSOR’S PARCEL NO. 366-210-052”

WHEREAS, an application for a conditional use permit to allow the implementation of a 5,280 square foot modular building and outdoor wholesale nursery on a 1.54 acre site northwest corner of Almond Street and Bundy Canyon Road has been filed by:

Applicant/Owner: Moralez Enterprises
Authorized Agent: Markham Development Management Group, Inc.
Project Location: Northwest Corner of Almond Street and Bundy Canyon Road
APN Number: 366-210-052, 366-210-053 and 366-210-054

WHEREAS, the Planning Commission has the authority per Chapter 17.200 of the Wildomar Municipal Code to review and make recommendations to the City Council on Conditional Use Permit 09-0265; and

WHEREAS, on September 16, 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 October 7, 2009 the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the Conditional Use Permit 09-0265 and at which the Planning Commission considered Conditional Use Permit 09-0265; and

WHEREAS, at this public hearing on October 7, 2009 the Planning Commission considered, heard public comments on, and adopted a Mitigated Negative Declaration and Mitigation Monitoring Program for the project by Resolution No. PC09-____; and

WHEREAS, following the public hearing the Planning Commission recommended approval of the Mitigated Negative Declaration for Change of Zone 09-0265 and Conditional Use Permit 09-0265, recommended approval of Change of Zone 09-0265, and continued the public hearing for Conditional Use Permit 09-0265 to November 4, 2009; and

WHEREAS, the Planning Commission conducted a continued public hearing on November 4, 2009, for Conditional Use Permit 09-0265 (a component of Project 09-0265) at which it received public testimony concerning 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 October 7, 2009 and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

A. CEQA: The approval of this Conditional Use Permit is in compliance with requirements of the California Environmental Quality Act ("CEQA"), in that on October 7, 2009 at a duly noticed public hearing, the Planning Commission recommended approval to the City Council adoption of a Mitigated Negative Declaration reflecting its independent judgment and analysis and documenting that there was not substantial evidence, in light of the whole record, from which it could be fairly argued that the project may have a significant effect on the environment. The documents comprising the City's environmental review for the project are on file and available for public review at Wildomar City Hall, 23873 Clinton Keith Rd., Suite 201, Wildomar, CA 92595.

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

SECTION 2. CONDITIONAL USE PERMIT FINDINGS.

Pursuant to Wildomar Municipal Code Chapter 17.216 and in light of the record before it including the staff report dated October 7, 2009 and all evidence and testimony heard at the public hearing of this item, the Planning Commission hereby finds as follows:

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

The General Plan Land Use Designation for the project site is Commercial Retail (CR). The proposed zone change is from Rural Residential (R-R) to General Commercial (C-1/C-P). The change of zone to General Commercial would be consistent with the Commercial Retail General Plan Land Use Designation and would allow for a wholesale nursery. Approval of a conditional use permit is required for the outside material sales yard component of the wholesale nursery project under Chapter 17.72 of the Wildomar Zoning Code. The wholesale nursery is consistent with the intent of the Zoning Ordinance since it meets/or exceeds the minimum development standards of the General Commercial as illustrated in the Development Standards section of the Staff Report relative to setbacks, lot coverage, building heights and parking. Additionally, conditions have been added to the project to ensure that all the minimum requirements of the City Municipal Code are met (see Exhibit A). Further, the applicant will be required to comply with these conditions prior to obtaining building or grading permits.

The General Plan land use designation for the site is Commercial Retail (CR). The proposed wholesale nursery would be an allowed use in the Commercial Retail area and would conform to the General Plan policies including LU 23.1, which accommodates for the development of commercial uses in areas appropriately designed by the General Plan and area plan land use maps. In addition, General Plan policy LU 23.4 which accommodates for community-oriented facilities, such as telecommunications centers, public meeting rooms, daycare facilities and cultural uses. This project is consistent with the General Plan Land Use policies by providing a community-oriented commercial

use, a wholesale nursery, in an area appropriately designated by the General Plan and area plan land use maps. In addition, the change of zone for the two parcels to the south of the wholesale nursery project site would allow for future commercial development in the area consistent with the General Plan. 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 project site has been designed to meet all of the development standards of the General Commercial Zone (C-1/C-P) as illustrated in the Development Standards section of the Staff Report relative to setbacks, lot coverage, building heights and parking such that it will not be detrimental to the public health, safety or welfare. The location of the building will not conflict with the existing parking area or with on-site circulation since the parking spaces and drive aisles meet the minimum standards as illustrated in the Development Standards section of the Staff Report. Future development of the two parcels to the south of the wholesale nursery project site shall be subject to a conditional use permit application to ensure consistency with the development standards of the General Commercial Zone.

SECTION 3. PLANNING COMMISSION ACTION.

The Planning Commission hereby takes the following actions:

A. Recommend Conditional Approval to the City Council of Conditional Use Permit 09-0265 to allow the implementation of a 5,280 square foot modular building and outdoor wholesale nursery on a 1.54 acre site northwest corner of Almond Street and Bundy Canyon Road subject to the conditions of approval as shown in Exhibit A which is attached hereto and incorporated herein by reference.

Robert Devine
Chairman

APPROVED AS TO FORM:

ATTEST:

Thomas Jex
Assistant City Attorney

David Hogan
Planning Commission Secretary

EXHIBIT A
CITY OF WILDOMAR
CONDITIONS OF APPROVAL

Planning Application Number: Conditional Use Permit 09-0265	
Project Description: DLC Almond Office - Locate a 5,280 square foot modular building and outdoor wholesale nursery on a 1.54 acre site on the northwest corner of Almond Street and Bundy Canyon Road	
Assessor's Parcel Number(s): 366-210-052, 366-210-053 and 366-210-054	
Approval Date: November 4, 2009	Expiration Date: November 4, 2011

Within 48 Hours of the Approval of This Project

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

General Requirements

3. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, law suits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the any action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivisions Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's

defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.

4. The approval of the zone change and 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 two (2) years unless an application for an extension is filed at least 30 days prior to the expiration date. The City, for good cause, may grant up to two (2) one-year extensions of time, one year at a time.
5. The project and all subsequent projects within this site shall comply with all mitigation measures identified in Environmental Assessment 09-0265.
6. The project shall substantially conform to the approved site plan and elevations for Conditional Use Permit Application 09-0265 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. The Conditions of Approval specified in this resolution, to the extent specific items, materials, equipment, techniques, finishes or similar matters are specified, shall be deemed satisfied by staff's prior approval of the use or utilization of an item, material, equipment, finish or technique that City staff determines to be the substantial equivalent of that required by the Conditions of Approval. Staff may elect to reject the request to substitute, in which case the real party in interest may appeal, after payment of the regular cost of an appeal, the decision to the Planning Commission for its decision.

Materials & Locations

Colors

Sand Finish Plaster/Stucco Building Paint	– Frazee, #CL3161W Helium
Sand Finish Plaster/Stucco Building Accent Paint	– Frazee, CL3244M Turbo
Accent Trim Paint	Frazee, #CL3245D Piper
Fabric Awing	Sunbrella #4631, Burgundy
Window and Door Frames	Dark Brown Anodized
Faux Stone Veneer	Coronado Mountain/Eastern Mountain, Grey Quartzite
Composite Shingle Roof	Owens Corning, Estate Grey
Decorative Columns	Frazee, CL3244M Turbo

9. The Applicant shall submit to the Planning Department for the permanent files 8" X 10" glossy photographic color prints of the approved color and materials board and the colored architectural elevations. All labels on the color and materials board and Elevations shall be readable on the photographic prints.

10. A plot plan or conditional use permit application will be required for any development on the two parcels adjacent to Bundy Canyon Road (366-210-053 and 366-210-054) to the south of the wholesale nursery site separate from the application for Conditional Use Permit 09-0265
11. Landscaping installed for the project shall be continuously maintained to the satisfaction of the Planning Director. If it is determined that the landscaping is not being maintained, the Planning Director shall have the authority to require the property owner to bring the landscaping into conformance with the approved landscape plan. The continued maintenance of all landscaped areas shall be the responsibility of the developer or any successors in interest.
12. If construction is phased, a construction staging area plan or phasing plan for construction equipment and trash shall be approved the Planning Director and City Engineer.
13. The Applicant shall design and construct American with Disabilities Act (ADA) access from the public right of way to the main building entrance and van accessible parking in accordance with all appropriate City of Wildomar Standards and Codes, and ADA requirements and to the satisfaction of the City Engineer.
14. Any building signage is subject to the approval of a sign permit.
15. Tribal monitors from the Pechanga Tribe shall be allowed to monitor all grading, excavation and groundbreaking activities, including all archaeological surveys, testing, and studies, to be compensated by the developer.
16. If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to Public Resource Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within a reasonable timeframe. Subsequently, the Native American Heritage Commission shall identify the "most likely descendant." The most likely descendant shall then make recommendations and engage in consultation concerning the treatment of the remains as provided in Public Resources Code Section 5097.98.
17. If cultural resources are discovered during the project construction (inadvertent discoveries), all work in the area of the find shall cease, and a qualified archaeologist and representatives of the Pechanga Tribe shall be retained by the project sponsor to investigate the find, and make recommendations as to treatment and mitigation.
18. If during ground disturbance activities unique cultural resources are discovered, that were not assessed by the archaeological report(s) and/or environmental assessment conducted prior to project approval, the following procedures shall be followed. Unique cultural resources are defined, for this condition, as being multiple artifacts in close association with each other, but may include fewer artifacts if the area of the find is determined to be of significance due to its sacred or cultural importance. (1) All ground disturbance activities within 100 feet of the discovered cultural resources shall be halted until a meeting is convened between the developer, the archaeologist, the Native American tribal representative and the Planning Director to discuss the significance of the find. (2) At the meeting, the significance of the discoveries shall be discussed and after consultation with the Native American tribal representative and the archaeologist, a decision shall be made, with the concurrence of the Planning Director, as to the appropriate mitigation (documentation, recovery, avoidance, etc.)

for the cultural resources. (3) Grading of further ground disturbance shall not resume within the area of the discovery until an agreement has been reached by all parties as to the appropriate mitigation.

19. The landowner agrees to relinquish ownership of all cultural resources, including all archaeological artifacts that are found on the project area, to the Pechanga Tribe for proper treatment and disposition.
20. 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.
21. Blue retro reflective pavement markers shall be mounted on private street, public streets and driveways to indicate location of fire hydrants. Prior to installation, placement of markers must be approved by Riverside County Fire Department.
22. Minimum required fire flow shall be 1500 GPM for two hours duration at 20 PSI residual operating pressure, which must be available before any combustible material is placed on the job site. Fire flow is based on type VB construction per the CBC and building(s) having a compliant fire sprinkler system.
23. Super fire hydrant(s) (6" x 4" x 2 1/2") shall be located not less than 25 feet or more than 165 feet from any portion of the building as measured along approved vehicular travel ways.
24. No grading shall be performed without the prior issuance of a grading permit by the City.
25. Written permission shall be obtained from the affected property owners allowing the proposed grading and/or facilities to be installed outside of the project boundaries.
26. 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.
27. The Applicant shall dedicate, design and construct all improvement in accordance with City of Wildomar Improvement Plan Check Policies, as further conditioned herein, and Standards and to the satisfaction of The City Engineer.
28. The Applicant shall be responsible for all costs associated with off-site right-of-way acquisition, including any costs associated with the eminent domain process, if necessary.
29. 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.
30. Applicant expressly agrees that the use of this Property as a landscape office and nursery business shall be a temporary use. Because it is a temporary use, Applicant agrees to an "Amortization Period" which reflects the estimated useful life of the business at this location as well as a reasonable timeframe for the Applicant to recover a reasonable return on the investment. The Amortization Period shall be 7 years from the date of issuance of a Certificate of Occupancy. Applicant agrees that use of the Property as a temporary

landscape office and nursery business shall cease prior to the expiration of the Amortization Period and Applicant shall restore the Property to its pre-construction condition.

31. One (1) year prior to the termination of the Amortization Period, the Planning Commission shall hold a public hearing in order to evaluate the compatibility of the Project with the surrounding area. The Planning Commission may agree to extend the Amortization Period and apply additional conditions or requirements to address any issues relating to land use compatibility.

Prior to the issuance of Grading Permits

32. Prior to the issuance of any grading or building permits, the Applicant shall prepare and record, in a form approved by the Planning Director and City Attorney, a Declaration of Restrictive Covenants (Declaration) stating that the use of the Property as a temporary Landscape Nursery Business shall cease upon the expiration of the Amortization Period. The City shall be named as a beneficiary of the Declaration for the purposes of protecting the interest of the community and shall have the right, but not the obligation, if the Declaration is breached to exercise all rights and remedies, and to maintain any actions or suits at law or in equity or other proper proceedings to enforce the curing of such breaches to which it or any other beneficiaries of the Declaration may be entitled. The Applicant agrees that continued use of the Property as a landscape office and nursery business after the expiration of the Amortization Period or a violation of any term of the Declaration shall be deemed a public nuisance under the provisions of the Wildomar Municipal Code and the City may initiate proceedings to revoke the Conditional Use Permit.
33. The following requirements shall be included in the Notes Section of the Grading Plan: *"No grubbing/clearing of the site shall occur prior to scheduling the pre-grading meeting with Engineering. All project sites containing suitable habitat for burrowing owls, whether owls were found or not, require a 30-day preconstruction survey that shall be conducted within 30 days prior to ground disturbance to avoid direct take of burrowing owls. If the results of the survey indicate that no burrowing owls are present on-site, then the project may move forward with grading, upon Planning Department approval. If burrowing owls are found to be present or nesting on-site during the preconstruction survey, then the following recommendations must be adhered to: Exclusion and relocation activities may not occur during the breeding season, which is defined as March 1 through August 31, with the following exception: From March 1 through March 15 and from August 1 through August 31 exclusion and relocation activities may take place if it is proven to the City and appropriate regulatory agencies (if any) that egg laying or chick rearing is not taking place. This determination must be made by a qualified biologist."*
34. The following requirement shall be included in the Notes Section of the Grading Plan: *"If at any time during excavation/construction of the site, archaeological/cultural resources, or any artifacts or other objects which reasonably appears to be evidence of cultural or archaeological resource are discovered, the property owner shall immediately advise the City of such and the City shall cause all further excavation or other disturbance of the affected area to immediately cease. The Planning Director at his/her sole discretion may require the property owner to deposit a sum of money it deems reasonably necessary to allow the City to consult and/or authorize an independent, fully qualified specialist to inspect the site at no cost to the City, in order to assess the significance of the find. Upon determining that the discovery is not an archaeological/cultural resource, the Planning Director shall notify the property owner of such determination and shall authorize the resumption of work. Upon determining that the discovery is an archaeological/cultural resource, the Planning Director*

shall notify the property owner that no further excavation or development may take place until a mitigation plan or other corrective measures have been approved by the Planning Director.”

35. Prior to the issuance of a grading permit, it shall be the sole responsibility of the Applicant to obtain any and all easements and/or permissions necessary to perform the grading required for the project. A notarized letter of permission from all affected property owners or easement holders, or encroachment permit, is required for all off-site grading.
36. Prior to the issuance of a grading permit the Applicant shall obtain a hauling route permit for the import/export of material to the satisfaction of the City Engineer.
37. Prior to the issuance of grading permits, the Applicant shall provide an access / ingress easement across parcel 366-210-054 for the proposed driveway to the satisfaction of Public Works
38. Prior to the issuance of grading permits, the Applicant shall provide an easement across parcel 366-210-053 for the proposed stormwater quality treatment device to the satisfaction of Public Works.
39. Prior to the issuance of grading permits, the project specific SWPPP shall be approved by the City Engineer.
40. Prior to issuance of grading permits the Applicant shall provide the Engineering Department evidence of compliance with the National Pollutant Discharge Elimination System (NPDES) and obtain a construction permit from the State Water Resource Control Board (SWRCB).
41. Prior to the issuance of a grading permit, the Applicant shall submit, and the City approve the Final Water Quality Management Plan which ensures that post-construction flows do not exceed pre-construction levels and that the specified BMPs will minimize any water quality impacts. These BMPs shall be consistent with the Final WQMP and installed to the satisfaction of the City Engineer.
42. Prior to the issuance of a grading permit, the Applicant shall submit, and the City review and approve, a Final Water Quality Management Plan (WQMP) in conformance with the requirements of the Santa Ana Regional Water Quality Control Board.
43. Prior to the issuance of a grading permit, the Applicant shall acquire and dedicate the future right-of-way areas for parcel 366-210-054, as identified on the site plan, to the City of Wildomar. All dedications will be in accordance with the City of Wildomar Improvement Standards and to the satisfaction of Public Works. All property conveyed to the City of Wildomar in fee title shall be free and clear of any encumbrances, except as expressly permitted by the City. The Applicant shall provide title insurance in conjunction with all fee title dedications to the City of Wildomar.
44. Prior to the issuance of a grading permit, the Applicant shall provide an additional 10 feet of right-of way along Almond Street or dedicate a 10-foot easement, for Community Trail improvements along Almond Street to the satisfaction of the City Engineer.
45. Prior to the approval of an improvement plans, the developer shall submit and the City Engineer traffic control plans along Almond Street to ensure the continued flow of traffic during construction.

Prior to Issuance of Building Permit(s)

46. Prior to the issuance of a building permit, the developer shall submit a photometric plan, including the parking lot to the Planning Department, which meets the requirements of the Title 17 of the Wildomar Municipal Code and Chapter 8.80 (Light Pollution). The parking lot light standards shall be placed in such a way as to not adversely impact the growth potential of the parking lot trees.
47. Three copies of Construction Landscaping and Irrigation Plans shall be submitted to the Planning Department for approval. These plans shall conform to the approved conceptual landscape plan, or as amended by these conditions. The location, number, genus, species, and container size of the plants shall be shown. The plans shall be consistent with the requirements of the water efficient landscape ordinance. The plans shall be accompanied by the appropriate filing fee (per the City of Wildomar Fee Schedule at time of submittal) and one copy of the approved grading plan.
48. The Applicant shall submit landscaping and irrigation plans within the public right of way to the Planning Department. These plans shall include water usage calculations, estimate of irrigation and the location of all existing trees that will remain. All plans and calculations shall be designed and calculated per the City of Wildomar Road Improvement Standards & Specification, Improvement Plan Check Policies and Guidelines, City Codes and to the satisfaction of the City Engineer.
49. Building plan check deposit fee of \$307 - 1,056.00 shall be paid in a check or money order to the Riverside County Fire Department after plans have been approved by our office.
50. The applicants or developer shall separately submit two copies of the water system plans to the Fire Department for review and approval. Calculated velocities shall not exceed 100 feet per second. Plans shall conform to the fire hydrant types, location and spacing, and the system shall meet the fire flow requirements. Plans shall be signed and approved by a registered civil engineer and the local Water Company with the following certification: "I certify that the design of the water system is in accordance with the requirements prescribed by the Riverside County Fire Department."
51. Prior to the issuance of the first building permit, the Applicant shall execute a maintenance agreement for stormwater quality control treatment device to the satisfaction of Public Works.
52. Prior to the issuance of a building permit, a quitclaim shall be completed to the satisfaction of Public Works for the right-of-entry and right-of-way per Book 580 Page 260 O.R as identified in note #4 under Easement Notes on the Plot Plan 09-0265/Preliminary Grading Plan AMD. No. 2 received by the City of Wildomar on July 22, 2009.
53. The Applicant shall execute an agreement with the City of Wildomar for the relocation and modification of the outflow channel V-ditch portion located within the ultimate right of way of Bundy Canyon Road. In the agreement the applicant's responsibility shall include but not be limited to redesign/reconstruct of the porous landscape detention to be outside of the ultimate right-of way for Bundy Canyon Road, at the Applicant's cost, at such time the ultimate improvements are to be constructed.
54. Prior to the issuance of a building permit, the Applicant shall show all easements per the title report to the satisfaction of Public Works. Any conflicts with existing easements shall result in the site being redesigned.

55. Prior to the issuance of a building permit, the Applicant shall demonstrate compliance with the California Title 24.
56. Prior to the issuance of the first building permit improvement plans shall be approved by The City Engineer.
57. The Applicant shall submit landscaping and irrigation plans within the public right of way to Planning Department. These plans shall include water usage calculations, estimate of irrigation and the location of all existing trees that will remain. All plans and calculations shall be designed and calculated per the City of Wildomar Road Improvement Standards & Specification, Improvement Plan Check Policies and Guidelines, City Codes and to the satisfaction of the City Engineer.
58. Prior to the issuance of a building permit, the Applicant shall provide a reciprocal access agreement between the parcel of this development and the parcels to the south in accordance with the City of Wildomar Improvement Standards and to the satisfaction of Public Works.
59. The Applicant shall obtain the appropriate clearance letters to the satisfaction of the City Engineer for any sign(s) located within an easement, including a Public Utility Easement.
60. The Applicant shall dedicate visibility easements for all driveways per the City of Wildomar Improvement Standards and to the satisfaction of The City Engineer.
61. The Applicant shall dedicate a public utility easement adjacent to all public or private streets for overhead and/or underground facilities and appurtenances to the satisfaction of the City Engineer.
62. At all street intersections adjacent to the project, public or private, the Applicant shall install and/or replace street name signs in accordance with the City of Wildomar Standard Details.
63. Prior to the issuance of a building permit, the improvement plans for the required public improvements must be prepared and shall be based upon a design profile extending a minimum of 300 feet beyond the project boundaries at a grade and alignment as approved by the City of Wildomar.
64. The Applicant shall design and install electrical power, telephone, communication, and cable television lines to be placed underground, including existing overhead lines, 33.6 kilovolts or below along the project frontage and between the nearest poles offsite in each direction of the project site, in accordance the City of Wildomar Road Improvement Standards & Specification, Improvement Plan Check Policies and Guidelines, City Ordinances, and to the satisfaction of the City Engineer. The Applicant shall submit to the City Engineer, for verification purposes, written proof for initiating the design and/or application of the relocation issued by the utility company.
65. Prior to the issuance of a building permit, the Applicant shall design and install streetlights in accordance with the City of Wildomar Road Improvement Standards & Specification, Improvement Plan Check Policies and Guidelines, City Ordinances and to the satisfaction of the City Engineer.
66. Prior to the issuance of a building permit, the Applicant shall dedicate the future right-of-way areas for parcel 366-210-052, as identified on the site plan, to the City of Wildomar. All dedications will be in accordance with the City of Wildomar Improvement Standards and to

the satisfaction of Public Works. All property conveyed to the City of Wildomar in fee title shall be free and clear of any encumbrances, except as expressly permitted by the City. The Applicant shall provide title insurance in conjunction with all fee title dedications to the City of Wildomar.

67. Prior to the issuance of a building permit, the Applicant shall design and improve Almond Street per the City of Wildomar Road Improvement Standards & Specification, Improvement Plan Check Policies and Guidelines and to the satisfaction of the City Engineer. Improvements may require off-site transition to adequately facilitate the movement of traffic. The Applicant shall acquire all required off-site transitions.
68. Prior to the issuance of a building permit, the developer shall annex into all applicable County Service Areas and Landscaping Maintenance District for landscaping, lighting, drainage and maintenance to the satisfaction of the City Engineer.
69. The Applicant shall design and install street lighting in accordance with the appropriate City Road Improvement Standards & Specification, Improvement Plan Check Policies and Guidelines and to the satisfaction of the City Engineer.
70. All flood control plans to be reviewed shall be submitted though the City of Wildomar, unless otherwise directed by the City Engineer.
71. Applicant shall prepare and submit a comprehensive drainage study and plan that includes, but is not limited to: definition with mapping of the existing watersheds; a detailed pre- and post-project hydrologic and hydraulic analysis of the project and project impacts; definition of the local controlling 100-year frequency water levels existing and with project; the proposed method of flow conveyance to mitigate the potential project impacts with adequate supporting calculations; any proposed improvements to mitigate the impacts of increased runoff from the project and any change in runoff; including quality, quantity, volume, and duration in accordance with City of Wildomar's Hydrology Manual, Improvement Standards, and to the satisfaction of Public Works.
72. Applicant shall design and improve the stormwater quality treatment devices to accommodate all runoff from parcel 366-210-052 in accordance with City of Wildomar's Hydrology Manual, Stormwater Quality Best Management Practice Design Handbook, Improvement Standards, and to the satisfaction of Public Works.
73. Prior to the issuance of a building permit, the project proponent shall pay fees in accordance with Zone A of the Southwest Road and Bridge Benefit District. the developer shall pay the appropriate fee for Zone A of the Southwest Road and Bridge Benefit District.
74. Prior to the issuance of a building permit, the developer shall pay the appropriate impact mitigation fee to the Riverside County Flood Control and Water Conservation District.
75. Prior to the issuance of building permit, the Applicant shall pay all necessary impact and mitigation fees required. These fees include, but are not limited to, fees associated with Transportation Uniform Mitigation Fee (TUMF), Quimby (parkland in-lieu) Fee, and Development Impact Fees.
76. 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.

77. Prior to final inspection, electrical power, telephone, communication, and cable television lines shall be placed underground in accordance with Title 16 – Subdivisions (formerly Ordinance 460) and Ordinance 461, or as approved by the Transportation Department. This also applies to existing overhead lines which are 33.6 kilovolts or below along the project frontage and between the nearest poles offsite in each direction of the project site. A certificate should be obtained from the pertinent utility company and submitted to the Engineering Department as proof of completion.
78. Prior to final inspection, install streetlights along the streets associated with development in accordance with the approved street lighting plan and standards of Title 16 – Subdivisions (formerly Ordinance 460) and Ordinance 461.
79. Prior to the final inspection, all outdoor lighting shall be inspected by the Building and Safety Department to insure compliance with the approved lighting plan and the provisions of Chapter 8.08 of the Wildomar Municipal Code.
80. Each parking space reserved for the handicapped shall be identified by a permanently affixed reflectorized sign constructed of porcelain on steel, beaded text or equal, displaying the International Symbol of Accessibility. The sign shall not be smaller than 70 square inches in area and shall be centered at the interior end of the parking space at a minimum height of 80 inches from the bottom of the sign to the parking space finished grade, or centered at a minimum height of 36 inches from the parking space finished grade, ground, or sidewalk. A sign shall also be posted in a conspicuous place, at each entrance to the off-street parking facility, not less than 17 inches by 22 inches, clearly and conspicuously stating the following:

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

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

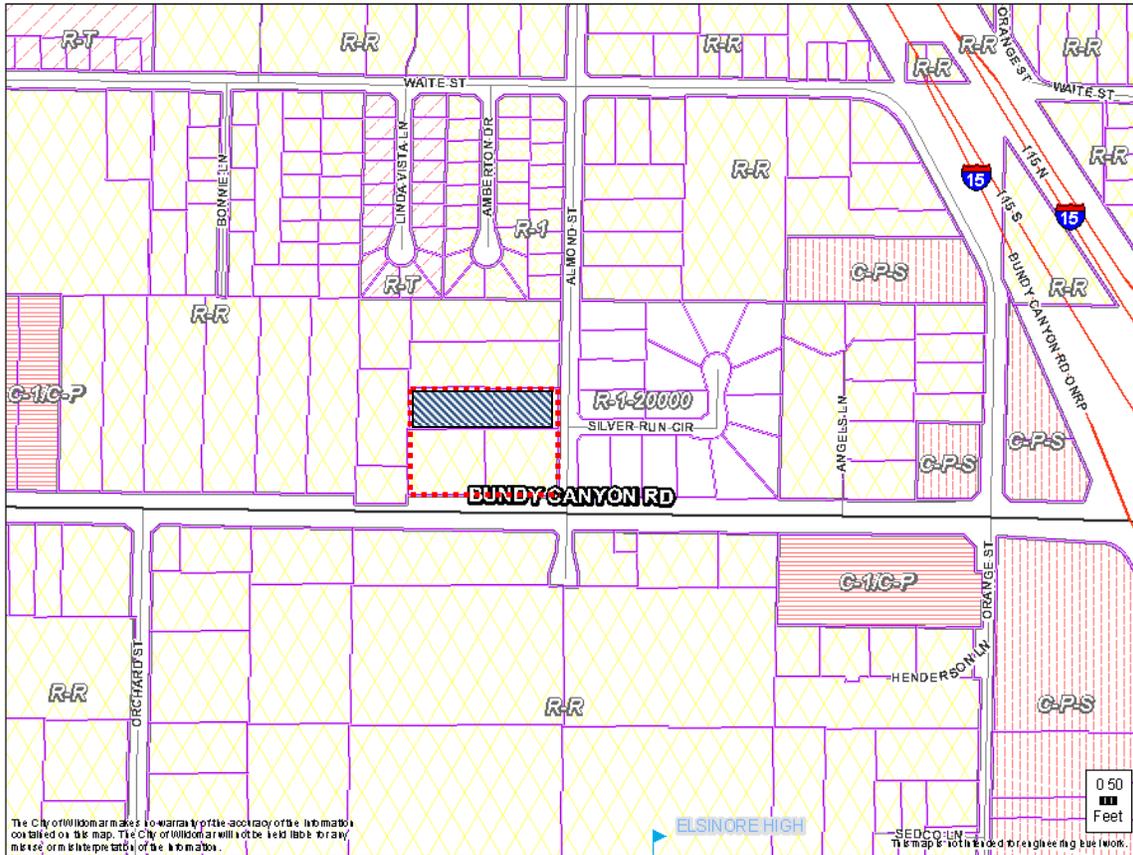
81. The applicant shall prepare and submit to the Fire Department for approval, a site plan designating required fire lanes with appropriate lane painting and/or signs.
82. Install a complete fire sprinkler system per NFPA 13 2002 edition (13D and 13R system are not allowed) in all buildings requiring a fire flow of 1500 GPM or greater sprinkler system(s) with pipe size in excess of 4" inch diameter will require the project structural engineer to certify (wet signature) the stability of the building system for seismic and gravity loads to support the sprinkler system. All fire sprinkler risers shall be protected from any physical damage. The post indicator valve and fire department connection shall be located to the front, within 50 feet of a hydrant, and the minimum of 25 feet from the building(s). A statement that the building(s) will be automatically fire sprinkled must be included on the title page of the building plans. (Current sprinkler plan check deposit base fee is \$164.00 per riser) Applicant or developer shall be responsible to install a .L. Central Station Monitored

Fire Alarm System. Monitoring System shall monitor the fire Sprinkler system (s) water flow, P.I.V.'s and all control valves. Plans must be submitted to the Fire Department for approval prior to installation. Contact Fire Department for guideline handout (current Monitoring plan check deposit base fee is \$192.00)

83. Applicant or developer shall be responsible to install a manual and automatic Fire Alarm System. Plans must be submitted to the Fire Department for approval prior to installation. (Current plan check deposit base fee \$627.00)
84. Install portable fire extinguishers with a minimum rating of 2A-10BC and signage. Fire Extinguishers located in public areas shall be in recessed cabinets mounted 48" (Inches) to enter above the floor level with Maximum 4" projection from the wall. Contact Fire Department for proper placement of equipment prior to installation.
85. A. U.L. 300 hood duct fire extinguishing system must be installed over the cooking equipment. Wet chemical extinguishing system must provide automatic shutdown of all electrical components and outlets under the hood upon activation. system must be installed by a licensed C-16 contractor. Plans must be submitted with current fee to the Fire Department for review and approval prior to installation. Note: A dedicated alarm system is not required to be installed for the exclusive purpose of monitoring this suppression system. However, a new or pre-existing alarm system must be connected to the extinguishing system. (*separate fire alarm must be submitted for connection) (Current plan check deposit base fee is \$215.00).
86. The flood control facilities shall be constructed with this project in accordance with applicable standards. The City Engineer shall determine if the facility will be maintained by Flood Control District or the City of Wildomar. The Applicant shall execute a maintenance agreement with the appropriate agency and the City Engineer shall determine if an easement or a parcel is taken in fee title. The plans cannot be signed prior to execution of the agreement.
87. All of the foregoing conditions shall be complied with prior to occupancy or any use allowed by this permit.

ATTACHMENT B

LOCATION MAP



-  Zone Change Area
-  Wholesale Nursery Site

ATTACHMENT C

ATTACHMENT D

ATTACHMENT E

ATTACHMENT F

ATTACHMENT G

**INITIAL STUDY FOR A
MITIGATED NEGATIVE DECLARATION FOR THE
DLC Almond Office
(PROJECT 09-0265)**

**ZONE CHANGE
CONDITIONAL USE PERMIT/PLOT PLAN**

Lead Agency:

CITY OF WILDOMAR
23873 Clinton Keith Road, Suite 201
Wildomar, CA 92595

September 2009

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I. INTRODUCTION

A. PURPOSE

This document is an Initial Study for evaluation of environmental impacts resulting from the implementation of a 5,280 square foot modular building and outdoor wholesale nursery on a 1.54 acre site at the corner of Bundy Canyon and Almond Street. The project will include a change of zone for three parcels (366-210-052, 366-210-053 and 366-210-054), including the wholesale nursery site and the two adjacent parcels to the south. For purposes of this document, the applications being evaluated through the environmental process will be called the “proposed project”. A more detailed description of the project is found in Section II.

B. TECHNICAL STUDIES

The following technical studies referenced in this Initial Study are listed below. The technical studies are available on the City of Wildomar website (www.cityofwildomar.org) and at City Hall located at 23873 Clinton Keith Road, Suite 201, Wildomar, CA 92595.

- “Project Specific Preliminary Water Quality Management Plan,” prepared by JLC Engineering and Consulting, Inc., July 20, 2009.
- “A Phase I Cultural Assessment of APN 366-210-052 thru 054,” prepared by Jean A. Keller, Ph. D, October 2007.
- “Preliminary Geotechnical Investigation,” prepared by T.H.E Soils Co., Inc, November 21, 2007.
- “Preliminary Hydrology and Hydraulics Study for APN 366-210-052,” prepared by JLC Engineering and Consulting, Inc., March 6, 2009.
- “MSHCP Compliance Report,” prepared by Paul Principe, Principe and Associates, January 2009.

II. PROJECT DESCRIPTION

A. PROJECT LOCATION AND SETTING

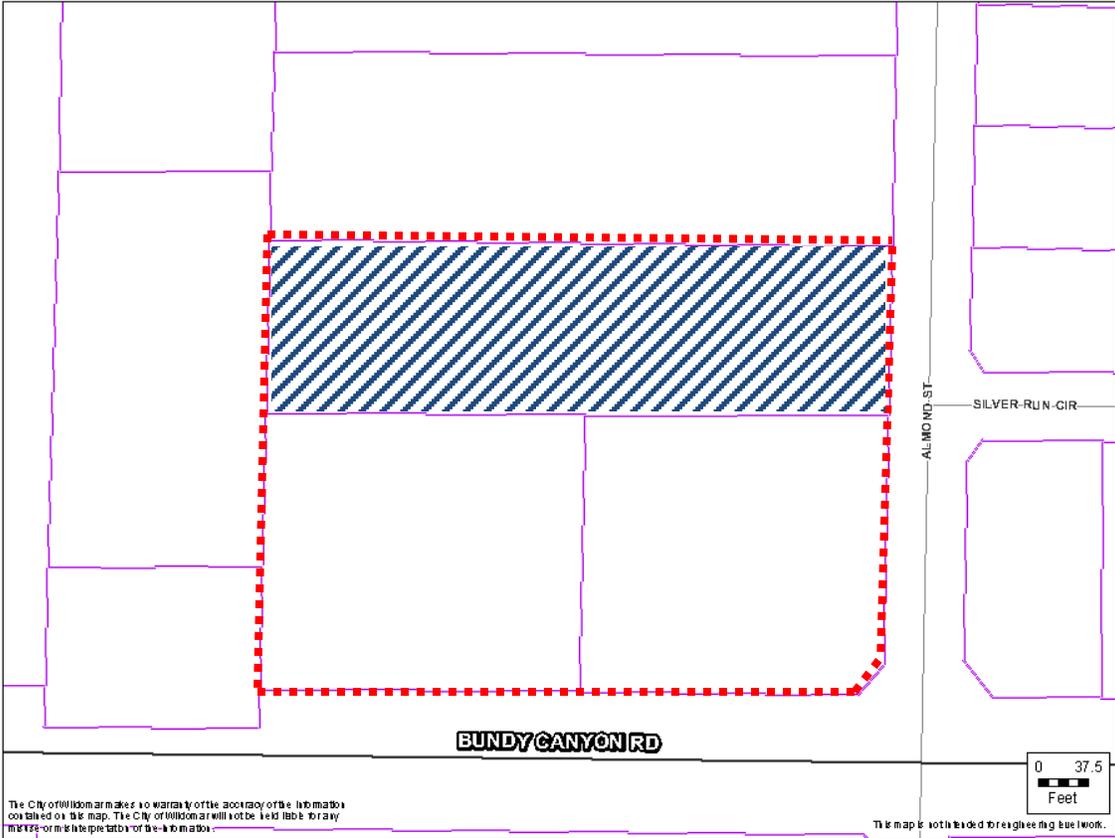
The DLC Almond Office (No. 09-0265) is on Almond Street approximately 210 feet from the intersection Almond Street and Bundy Canyon Road. The location of the project is shown on the Location Map contained in Figure 1. The Assessor's Parcel Numbers for the project site are 366-210-052, 366-210-053 and 366-210-054.

The proposed project site is located in the northwest portion of the City roughly 0.33 miles west of Interstate 15. The site is currently developed with a mobile home. The properties to the north and west are developed with a commercial/industrial uses. The properties to the south are owned by the same property owner as the proposed project site and are mostly vacant with the exception of several mobile homes. The lots are slated for future commercial development. The properties to east, across Almond Street, are residential. Vegetation on the site consists of non-native grassland, weeds, shrubs and a few ornamental trees. The project site, including the adjacent properties to the south, is fairly flat with elevations ranging from 1337 feet above mean sea level to 1346 feet above mean sea level. The latitude and longitude location for the site is Latitude 033°37'43"N and Longitude 117°16'49"W.

The City of Wildomar became an incorporated City on July 1, 2008. On July 1, 2008, the City adopted the County of Riverside's General Plan and Municipal Ordinance's. The City of Wildomar General Plan land use designation for the project site and adjacent properties to the south is Commercial Retail. The General Plan land use designation for the properties to the north, east, across Almond Street, and west is Medium Density Residential (MDR). The project site is currently zoned Rural Residential (R-R) on the City of Wildomar Zoning Map. The project site and the properties to the north, south and west are zoned Rural Residential (R-R). The properties to the east, across Almond Street, are zoned One-Family Residential (R-1-2000). The proposed project, a wholesale nursery, is inconsistent with the R-R zoning designation. The applicant is applying for zone change for the project site and the two adjacent properties to the south to be rezoned to General Commercial (C-1/C-P) allow for the wholesale nursery. The change of zone to General Commercial (C-1/C-P) would be consistent with the General Plan Land Use Designation of Commercial Retail. The project will change the zoning on the site to General Commercial (C-1/C-P) on the City of Wildomar Zoning Map.

The current mobile home on the project site treats all wastewater onsite via an onsite sewage disposal system and will be removed prior to grading for the proposed project. Water for the mobile home is provided by Elsinore Valley Municipal Water District (EVMWD). The project proposes to connect to water and sewer service provided by EVMWD infrastructure including existing mains located within Almond Street. Electric, gas, cable and telephone services would be extended onto the site from existing main lines. Gas will be provided by The Gas Company; electricity would be provided by Southern California Edison; cable service would be provided by Time Warner Cable and telephone service would be provided by Verizon. The site is located within the boundaries of the Lake Elsinore Unified School District. Municipal or local government services are provided by the City of Wildomar. Fire and security services are provided by the City of Wildomar through contacts with the Riverside County Fire Department and the Riverside County Sheriff's Department.

FIGURE 1 – LOCATION MAP



-  Zone Change Area
-  Wholesale Nursery Site

Studies have been conducted by the applicant for water quality, site drainage, geotechnical, cultural investigations and habitat assessments in preparation for the development of the site.

B. PROJECT DESCRIPTION

The applicant is applying for a change of zone and plot plan/conditional use permit to allow for a 5,280 square foot modular building and outdoor wholesale nursery on a 1.54 acre site. The zone change will include three parcels (366-210-052, 366-210-053 and 366-210-054), including the wholesale nursery site and the two adjacent parcels to the south. The site plan described in this Initial Study is conceptual and may vary slightly when the design of the site plan is finalized. Any variations between the conceptual design and the final design will be evaluated by the Lead Agency to determine if the project is consistent with the conceptual project or if additional environmental review is required. The proposed project, a wholesale nursery, is inconsistent with R-R zoning designation and will require a change of zone. The project components are described below.

Change of Zone

The proposed project site is designated as Rural Residential (R-R) on the City of Wildomar Zoning Map. The project applicant has submitted an application for a change of zone for three parcels (366-210-052, 366-210-053 and 366-210-054), including the whole nursery site and the two adjacent parcels to the south, to make the zoning consistent with the Commercial Retail General Plan Land Use Designation. The project will change the zoning on the sites to General Commercial (C-1/C-P) on the City of Wildomar Zoning Map.

Plot Plan/Conditional Use Permit

The proposed project consists of locating a 5,280 square foot modular building and outdoor wholesale nursery on a 1.54 acre site. Administrative operations for the wholesale nursery will be conducted in the 5,280 square foot modular building, which will be located in the northeast corner of the lot adjacent to Almond Street. The modular building will be one-story with a building height of 18 feet. The modular building will include architectural detail such as stone veneer, decorative columns, window awnings and varied roof lines. The proposed project includes 31 parking spaces that will be located in parking lots adjacent to the modular building to the east and south. The nursery and materials yard will be located in the rear of the property. The project proposes landscaping, including trees and scrubs, on the north and east (Almond Street) sides of the lot and in the parking areas. Initial estimates for the proposed project indicate that grading activities will result in 990 cubic yards of cut volume and 990 cubic yards for fill. No dirt is expected to be imported or exported to the site during the grading activities.

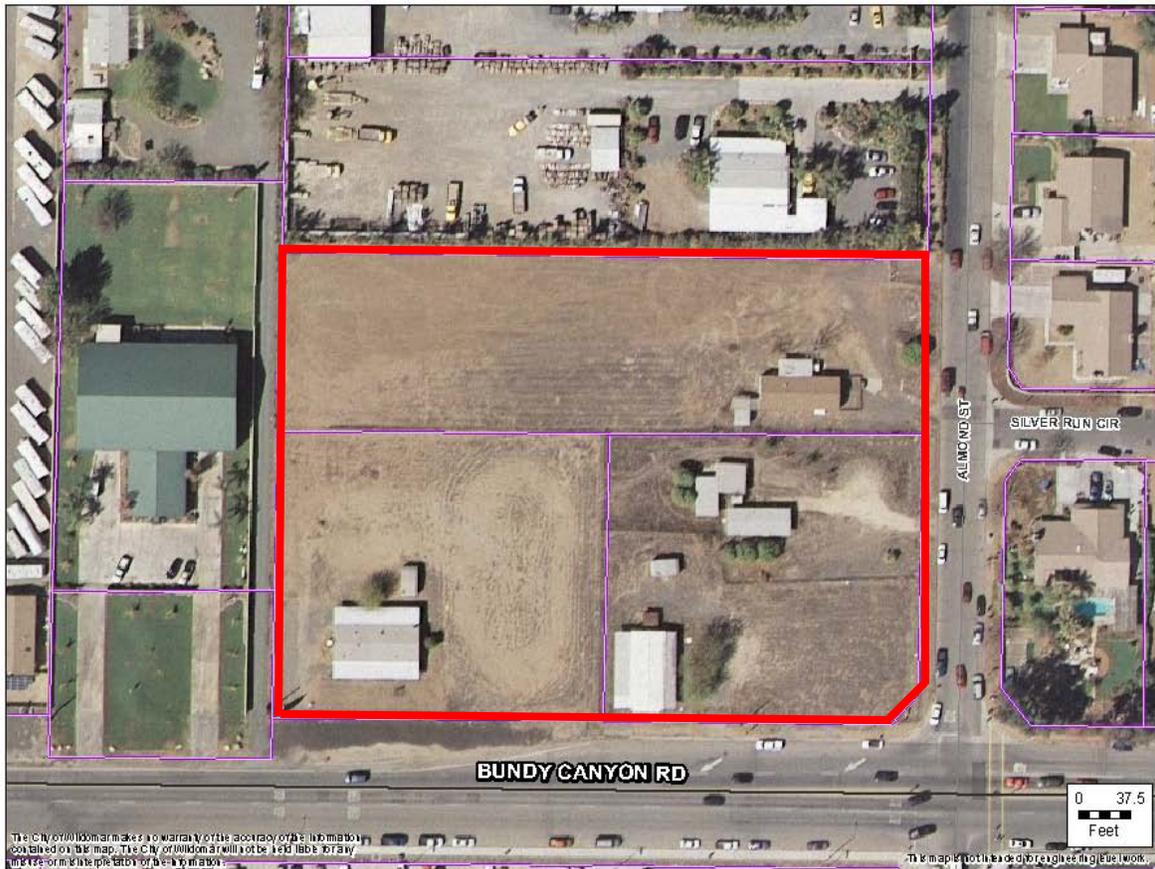
The City development approval applications include a zone change and a plot plan/conditional use permit application. A plot plan/conditional use permit application is required in order to ensure compliance with the City of Wildomar Zoning Code and City of Wildomar General Plan.

Future Projects

The change of zone will also facilitate future commercial retail development on the two parcels adjacent to Bundy Canyon Road. Since there are no specific proposals on these sites, no specific impact assessment is possible and any assessment of future potential impacts is highly speculative. The City's consideration of these future development projects will be based upon specific project

data and the project specific environmental impact. However, the approval of the change of zone creates a potential to cause some future in impacts on the environment from future commercial development. While some impacts are possible to all issue areas, the most likely impacts include effects to air quality, aesthetics, hydrology, land use/planning, transportation and utilities/public service.

FIGURE 3 – AERIAL OF PROJECT SITE



III. ENVIRONMENTAL CHECKLIST

A. BACKGROUND

1. Project Title:

DLC Almond Office (09-0265)

2. Lead Agency Name and Address:

City of Wildomar; 23873 Clinton Keith Road, Suite 201, Wildomar, CA 92595

3. Contact Person and Phone Number:

Alia Kanani; (951) 677-7751

4. Project Location:

Corner of Bundy Canyon and Almond Street; Assessors Parcel Number of 366-210-052

5. Project Sponsor's Name and Address:

MDMG, Inc.; 41635 Enterprise Circle North, Suite B, Temecula, CA 92590

6. General Plan Designation:

Current: Commercial Retail (CR)

Proposed with General Plan Amendment: No changes proposed.

7. Zoning:

Current: Rural Residential (R-R)

Proposed with Change of Zone: General Commercial Zone (C-1/C-P)

8. Description of Project:

The proposed project consists locating a 5,280 square foot modular building and outdoor wholesale nursery on a 1.54 acre site. The City development approval applications include a zone change of three lots and a conditional use/plot plan application.

9. Surrounding Land Uses and Setting:

North – Zoning: Rural Residential; Land Use: Commercial/Industrial buildings

South - Zoning: Rural Residential; Land Use: Mobile homes

East – Zoning: Rural Residential; Land Use: Commercial/Industrial buildings

West - Zoning: One-Family Dwelling Unit; Land Use: Single-Family Homes

10. Other Public Agencies Whose Approval is Required:

None.

B. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact," as indicated by the checklist on the following pages. Potentially significant impacts that are mitigated to "Less Than Significant" impact are not shown here.

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

C. DETERMINATION

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because of the incorporated mitigation measures and revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

David Hogan
Signature

9/15/09
Date

DAVID HOGAN
Printed Name

Planning Director
Title

IV. ENVIRONMENTAL ANALYSIS

1. AESTHETICS. Would the proposal:				
Issues	Potentially Significant Impact	Less Than Significant with the Incorporated Mitigation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			✓	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcrops, and historic buildings within a state scenic highway?				✓
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			✓	
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?			✓	
e) Interfere with the night time use of the Mt. Palomar Observatory, as protected through the Mount Palomar Observatory Lighting Ordinance?			✓	

DISCUSSION

a) Have a substantial adverse effect on a scenic vista?

Less Than Significant Impact.

The proposed project is located in the northwest portion of the City and is not located in an area which is easily visible or distinguishable. The project would mostly be visible from the immediate surrounding area. The proposed 5,280 square foot modular building will be located on the northeast corner of the property and outdoor wholesale nursery rear of the lot. The building will be limited to one-story with a maximum building height of 18 feet. Any project-level visual impacts will be addressed through the City's plot plan application process which will ensure compliance with City zoning and design standards regulating building design, mass, bulk, height, colors, etc. As a result, any scenic impacts are considered less than significant and no additional mitigation measures are required.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State Scenic Highway?

No Impact.

Bundy Canyon Road and Almond Street have not been designated as scenic highways. Interstate 15 is considered a scenic highway however the proposed project site is located roughly 0.33 miles

west of Interstate 15 and will not affect any scenic resources. The project site does not contain and will not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings. Because the proposed project will not substantially damage any scenic resources, no significant impacts are anticipated and no mitigation measures are required.

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

Less than Significant.

The proposed project consists 5,280 square foot modular building and outdoor wholesale nursery. The existing visual character of the area is a combination of vacant land/mobile homes to the south, commercial buildings/industrial yards to the north and west, and single-family homes to the east, across Almond Street. The project site is currently occupied with a mobile home on the southeast corner of the lot that was built in 1983. Vegetation on the site consists of non-native grassland, weeds, shrubs and a few ornamental trees. The development of the modular building and outdoor wholesale nursery will alter the visual appearance of the area. The project proposes landscaping on the north and east (Almond Street) sides of the lot and in the parking areas. The landscaping will include trees, such as Fern Pine and Chinese Pistachio, and scrubs, including Lily of the Nile and Indian Hawthorn, which will visually enhance the existing site. The modular building will include architectural detail such as stone veneer, decorative columns, window awnings and varied roof lines. The review of the plot plan application is to ensure that future development will be designed to ensure design compatibility and land use compatibility with the surrounding area. Given the less than pristine character of the site and City's development review standards the project is not expected to degrade the existing visual character of the area. As a result, no significant impacts are anticipated and no additional mitigation measures are required.

d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

Less Than Significant Impact.

Light and glare from new street lights, vehicles, and the future land uses will be generated and will contribute an additional increment of light and glare experienced in the project vicinity. The site is located within a partially urbanized area which already experiences some levels of light and/or glare from the existing development. The development of the project site will require the approval of a plot plan by the City of Wildomar. The City's plot plan application process is intended to ensure that future development will be designed to ensure design compatibility and to alleviate light and/or glare disturbances outside of the project boundary. As a result, no impacts are anticipated and no additional mitigation is required.

e) Interfere with the night time use of the Mt. Palomar Observatory, as protected through Chapter 8.80 of the Wildomar Municipal Code?

According to the General Plan, the project site is located 30.39 miles from the Mt. Palomar Observatory and falls within the Mt. Palomar Observatory special lighting district (Zone B). The project has the potential to result in additional impacts to the continued operation of the Mt. Palomar Observatory. Chapter 8.80 of the Wildomar Municipal Code restricts the use of certain light fixtures to limit light pollution from projects around the Mount Palomar Observatory. With the implementation

of the standard requirements contained in Chapter 8.80 of the Wildomar Municipal Code, the project impacts to Mt. Palomar will be reduced to a level of less than significant.

STANDARD CONDITIONS & REQUIREMENTS

1. The project shall comply with the standard requirements of Chapter 8.80 of the Wildomar Municipal Code regarding light pollution.

MITIGATION MEASURES

None.

2. AGRICULTURE RESOURCES. Would the project:				
Issues	Potentially Significant Impact	Less Than Significant with the Incorporated Mitigation	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				✓
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				✓
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				✓
<i>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland.</i>				

DISCUSSION

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

No Impact

The site is not classified as Prime Farmland, Unique Farmland or Farmland of Statewide Importance by the Farmland Mapping and Monitoring Program of the California Resources Agency; therefore, there is no potential to convert farmland to non-agricultural uses. According to a MSHCP report prepared by Principe and Associates for all three lots (366-210-052, 366-210-053 and 366-210-054) the site is not in an Agricultural Operations Area. The site is located within an urbanized area and is identified for urban development, not agricultural use, as identified in the City of Wildomar General Plan. As a result, no impacts are anticipated and no mitigation measures are required.

- b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?**

No Impact

The project will not conflict with the existing zoning or an existing agricultural use, or a Williamson Act contract. Because there are no existing agricultural zoning or agricultural land use on the property and no agricultural uses envisioned in the future, no impacts are anticipated and no mitigation measures are required.

- c) **Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?**

No Impact

The proposed project will not involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural uses. The project site and several of the surrounding parcels have been converted to residential land uses, commercial uses and are not being utilized for agricultural cultivation. As a result, no impacts are anticipated and no mitigation measures are required.

STANDARD CONDITIONS & REQUIREMENTS

None.

MITIGATION MEASURES

None.

3. AIR QUALITY. Would the project:

Issues	Potentially Significant Impact	Less Than Significant with the Incorporated Mitigation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			✓	
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?		✓		
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?			✓	
d) Expose sensitive receptors to substantial pollutant concentrations?		✓		
e) Create objectionable odors affecting a substantial number of people?			✓	

DISCUSSION

a) Conflict with or obstruct implementation of the applicable air quality plan?

Less Than Significant Impact

The proposed veterinary hospital is located within the City of Wildomar and within the South Coast Air Basin (SoCAB), which is under the jurisdiction of the South Coast Air Quality Management District (AQMD). The SCAQMD has adopted the 2007 Air Quality Management Plan (AQMP). The 2007 AQMP is based on socioeconomic forecasts (including population estimates) provided by the Southern California Association of Governments (SCAG). The City of Wildomar General Plan is consistent with SCAG's Regional Growth Management Plan and SCAQMD's Air Quality Management Plan. This project is consistent with the General Plan Land Use Designations that were used in the development of the AQMP. As a result, the proposed project is consistent with the AQMP and is not expected to obstruct the implementation of the 2007 AQMP.

The project is limited to a 5,280 square foot modular building and outdoor wholesale nursery on a 1.54 acre lot. The wholesale nursery is expected to generate an average of 13 AM daily vehicle trips and an average of 27 PM daily trips. The trip generation rates were based on the proposed 5,280 square foot modular building for wholesale nursery. Most of these vehicle trips will access the citywide road network via Almond Ave and Bundy Canyon Road. It is not anticipated that the average daily trips of employees and occasional client to the wholesale nursery will be considered significant and have permanent air quality impacts. Consequently, the proposed project will not conflict with or obstruct the implementation of the applicable regional air quality plan. As a result, no significant impacts are anticipated and no additional mitigation measures are required.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Less Than Significant Impact with the Incorporated Mitigation

The project is limited to a 5,280 square foot modular building and outdoor wholesale nursery on a 1.54 acre lot. While the proposed project will result in additional vehicle trips on the citywide road network, it is not anticipated that the average daily trips of employees and occasional client to the wholesale nursery will be considered significant and have permanent air quality impacts.

The proposed project will generate temporary construction related air quality impacts. These impacts are temporary in nature and are directly related to grading and construction activities of the site development. The air quality analysis contained in this Section includes project grading, infrastructure construction, building construction, paving, and landscape installation. Construction of the wholesale nursery is anticipated to occur over a period of 60 days in winter of late 2009 and early 2010. In addition the proposed building for the wholesale nursery is limited to a prefabricated modular building that will be placed on permanent therefore limiting the amount of construction for the actual building. The mitigated construction air quality emissions are summarized in Table 2. Construction related mitigation measures (AQ-1 through AQ-5) will be implemented reduce the temporary air quality impacts due to grading and construction activities. Construction of the wholesale nursery is not expected to exceed the thresholds for air quality emissions from an individual project have been established by the SCAQMD for the Southern California Air Basin (SoCAB).

**TABLE 2 - MITIGATED AVERAGE DAILY CONSTRUCTION AIR POLLUTION EMISSIONS
(pounds/day) ***

	ROG	NOx	CO	SO2	PM10	PM2.5
Winter 2009/2010	7.14	26.52	14.12	0.00	2.54	1.48
SCAQMD Significance Threshold	55	100	550	150	150	55
Exceeds Threshold in Summer?	No	No	No	No	No	No
Exceeds Threshold in Winter?	No	No	No	No	No	No

* Construction to occur in winter of late 2009 and early 2010.

Area wide and Operational emissions from project-related traffic were calculated using the URBEMIS air quality model. The model was used to calculate the area and source emissions and the resulting operational emissions for an assumed project build-out in 2010. The results are shown in the Table 3 for summer and winter. As indicated below, there is no operational air quality impacts associated with implementation of the proposed project.

**TABLE 3 - MITIGATED AVERAGE DAILY OPERATIONAL & AREAWIDE AIR POLLUTION
EMISSIONS
(pounds/day)**

	ROG	NOx	CO	SO2	PM10	PM2.5
Summer	0.62	0.80	7.30	0.01	0.07	0.05
Winter	0.54	0.92	5.57	0.01	0.06	0.04
SCAQMD Significance Threshold	55	55	550	150	150	55
Exceeds Threshold in Summer?	No	No	No	No	No	No
Exceeds Threshold in Winter?	No	No	No	No	No	No

Recent changes to State Law, the Global Warming Solutions Act of 2006, have established requirements to begin to deal with greenhouse gas emissions in California. One of the requirements in the law is for environmental documents to identify carbon dioxide emissions that are expected to occur as a result of the construction and operation of projects within the State. The anticipated carbon dioxide emissions during project construction and operation for both summer and winter periods are contained in Table 4 below.

**Table 4 - MITIGATED CARBON DIOXIDE AIR POLLUTION EMISSIONS
(pounds/day)**

	Construction	Operation
Summer	2,371.72	639.66
Winter	2,371.72	583.47

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

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

As discussed in this Section, the construction and operation of the proposed project will not violate air quality standards, exceed AQMD significance thresholds, and by inference, significantly impact air quality. Even though no significant air quality impacts are anticipated, essential air quality

mitigation measures addressing particulate matter and volatile organic gases are being incorporated into this project to ensure construction compatibility with the surrounding area. As a result, the air quality impacts are expected to be less than significant.

- c) **Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?**

Less Than Significant Impact

The proposed project has the potential to contribute toward in a cumulatively net increase of any criteria pollutant for which the South Coast Air Basin is a non-attainment area under an applicable air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors). However, all of Southern California is within a non-attainment region for these criteria pollutants (ozone and particulate matter). Consequently, the project will probably result in an insignificant incremental increase that is not expected to significantly contribute to the non-attainment status of the region. As a result, and pursuant to CEQA Guidelines Section 15064(h), these impacts are considered less than significant and no additional mitigation measures beyond those listed below are required.

- d) **Expose sensitive receptors to substantial pollutant concentrations?**

Less Than Significant Impact with the Incorporated Mitigation

Sensitive receptors to substantial pollutant concentrations include population groups which are more susceptible to air pollution (i.e. sensitive receptors) include young children, the elderly, and the acutely and chronically ill (especially those with cardio-respiratory disease). The properties to the north and west are developed with a commercial/industrial uses. The two properties to the south are owned by the same property owner as the proposed project site and are mostly vacant with the exception of several mobile homes. The properties to east, across Almond Street, are residential. It is not anticipated that the properties immediately adjacent contain sensitive receptors. The nearest sensitive receptor is Elsinore High School, which is located on the south side of Bundy Canyon across the street from the project site. Schools can be considered sensitive receptors. While the high school is not immediately adjacent to the project site, it is on the south side of Bundy Canyon Road across the street from the project site, construction mitigation measures (AQ-1 through AQ-5) will be implemented reduce the impacts to sensitive receptors to less than significant.

- e) **Create objectionable odors affecting a substantial number of people?**

Less Than Significant Impact

Many agricultural and industrial businesses can create objectionable odors. Examples include dairies, composting operations, refineries, chemical plants, fiberglass molding, wastewater treatment plants, and landfills. The project, a wholesale nursery, may include storage of fertilizers (less than 200 pounds) and chemicals to be used in offsite landscaping operations. Storage of chemicals and fertilizers for landscaping is regulated by the Riverside County Agricultural Commissioner's Office as part of the nursery stock certificate for the wholesale nursery. It is not expected that these chemicals and fertilizers will create objectionable odors with the potential to

affect a substantial number of people as they will be only stored for use offsite. There is the possibility that potentially objectionable odors may result from project construction. Any impacts which may occur during project construction will be of short duration and are not expected to effect nearby residents. As a result, no significant impacts are anticipated and no additional mitigation measures are required.

STANDARD CONDITIONS & REQUIREMENTS

1. The project will comply with regional rules such as SCAQMD Rules 402, 403 and 404, which would assist in reducing short-term air pollutant emissions. These dust suppression techniques are summarized below.
 - a. Portions of the construction site to remain inactive longer than a period of three months will be seeded and watered until grass cover is grown or otherwise stabilized in a manner acceptable to the City.
 - b. All onsite roads will be paved as soon as feasible or watered periodically or chemically stabilized.
 - c. All material transported offsite will be either sufficiently watered or securely covered to prevent excessive amounts of dust.
 - d. The area disturbed by clearing, grading, earth moving, or excavation operations will be minimized at all times.
 - e. Where vehicles leave the construction site and enter adjacent public streets, the streets will be swept daily or washed down at the end of the work day to remove soil tracked onto the paved surface.

MITIGATION MEASURES

- AQ-1 The City of Wildomar will require construction contractors to apply water to the disturbed portions of the project site at least three times per day. On days where wind speeds are sufficient to transport fugitive dust beyond the working area boundary, the City of Wildomar will require contractors to increase watering to the point that fugitive dust no longer leaves the property (typically a moisture content of 12%), and/or the contractor will terminate grading and loading operations.
- AQ-2 All material stockpiles subject to wind erosion during construction activities, which will not be utilized within three days, will be covered with plastic, an alternative cover deemed equivalent to plastic, or sprayed with a nontoxic chemical stabilizer.
- AQ-3 All vehicles on the construction site will travel at speeds less than 15 miles per hour. This will be enforced by including this requirement in the construction contract between the City and the contracted construction company with penalty clauses for violation of this speed limit.
- AQ-4 All engines will be properly operated and maintained. Proper tune for all diesel-powered vehicles and equipment in the South Coast Air Basin requires that fuel injection timing be

retarded 2 degrees from the manufacturer's recommendation and use high pressure injectors.

4. BIOLOGICAL RESOURCES. Would the project:

Issues	Potentially Significant Impact	Less Than Significant with the Incorporated Mitigation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			✓	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			✓	
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			✓	
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			✓	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			✓	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?			✓	

DISCUSSION

- a) **Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

Less than Significant Impact

The site is currently developed with a mobile home. According to the MSHCP Compliance Report prepared by Principe and Associates for all three lots (366-210-052, 366-210-053 and 366-210-054), no significant wildlife habitats or species were identified on the site. The report indentified that the project site, including all three lots, are “Not a Part” of the proposed Conservation Planning

(MSHCP) Criteria Areas. In addition, the site is not located in the RCA Acquisitions/Gains Area or Agricultural Operations Area or in a MSHCP Public/Quasi Public Conserved Area, Project Loss Area or Conserved Area. The project site is located outside of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Criteria Cell Areas and therefore the project does not conflict with the MSHCP planning goals.

The MSHCP contains requirements to address anticipated urban/wildland interface issues associated with the conservation areas. Section 6.1.4 of the MSHCP sets forth guidelines to address indirect edge effects associated with locating development adjacent to MSHCP Conservation Areas. These edge effects can adversely affect the biological resources within an identified Conservation Area. The Guidelines provide direction on drainage, the application of toxic chemicals, lighting, noise, invasive plant species, barriers to animal movement, and grading issues. However, the project is surrounded by urban development, is not adjacent to any wildland areas. Consequently, the proposed project is consistent with the provisions of the MSHCP.

As a result, the project will have a less than significant impact on habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

Less than Significant Impact

The project site does not contain any riparian habitats or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. As a result, no wetland impacts are anticipated and no mitigation measures are required.

- c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

Less than Significant Impact

The proposed project does not contain and will not have an adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. As a result, no wetland impacts are anticipated and no mitigation measures are required.

- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

Less Than Significant Impact

The project site is surrounded by several mobile homes, single-family homes, commercial/industrial

uses and adjacent to an Urban Arterial, Bundy Canyon Road, which creates a variety of existing obstacles to the movement of wildlife. The additional development associated with the project is not expected to interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. In addition, the proposed project site is located outside of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Criteria Cell (corridor) Areas and therefore the project does not conflict with the MSHCP planning goals. Consequently, the impacts are anticipated to be less than significant and no mitigation measures are required.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less Than Significant Impact

The City of Wildomar does not have local policies or ordinances protecting biological resources. However the City is subject to compliance with the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). The proposed project is located outside the MSHCP Criteria Cell Areas and therefore the project does not conflict with the MSHCP planning goals. It is anticipated that implementation of the project will have a less than significant impact on significant biological resource impacts.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Less Than Significant Impact

As previously discussed the proposed project is within the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). The MSHCP is a comprehensive, multi-jurisdictional Habitat Conservation Plan focusing on conservation of species and associated habitats in Western Riverside County. The MSHCP will serve as a HCP pursuant to Section 10(a)(1)(B) of the federal Endangered Species Act of 1973, as amended, as well as a Natural Communities Conservation Plan (NCCP) under the NCCP Act of 2001. The overall goal of the MSHCP is the conservation of 500,000 acres and focuses on the conservation of 146 plant and animal species. The proposed project is located within the MSHCP however it is located outside the MSHCP Criteria Cell Areas and therefore the project does not conflict with the MSHCP planning goals.

STANDARD CONDITIONS & REQUIREMENTS

None.

MITIGATION MEASURES

None.

5. CULTURAL RESOURCES. Would the project:				
Issues	Potentially Significant Impact	Less Than Significant with the Incorporated Mitigation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?			✓	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?		✓		
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		✓		
d) Disturb any human remains, including those interred outside of formal cemeteries?			✓	

DISCUSSION

- a) **Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?**

Less Than Significant Impact

The project will not cause a substantial adverse change in the significance of a historical resource as defined in §15064.5 of the California Environmental Quality Act. According to the Cultural Resources Assessment prepared by Jean Keller, the property was vacant from 1901 through 1953. Between 1953 and 1957, a small house with a garage was located near the center of the eastern half of the property. There was no evidence from the field survey that the house is considered a historical structure. Later structures on the property, from 1973 through 1997, included several mobile homes. In addition, the Wildomar General Plan does not identify historical resources on the project site. Since no historic structures are currently located on the site or adjacent to the site, no significant impacts to historic resources are anticipated and no mitigation measures are required.

- b) **Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?**

Less Than Significant Impact with the Incorporated Mitigation

The project will not cause a substantial adverse change in the significance of an archaeological resource. According to the Cultural Resources Assessment prepared by Jean Keller, there was no evidence of cultural resources for either prehistoric (Native American) or historical origin during a field survey of the project site. It is not anticipated that a substantial adverse change in the significance of any archaeological resource will result from project implementation. However, because archaeological resource sites have been identified within the City of Wildomar, there is the potential for the unanticipated discovery of these resources. Since these resources are known to exist in the general area, the mitigation measures listed in this Section (CUL-1 through CUL 6) will

insure that any unanticipated discovery will not have a significant impact on archeological resources.

According to surveys from the Eastern Information Center, Sacred Lands Files and additional literature, the project site is not located within Native American Tribal Lands and does not have know cultural resources of importance (Keller, 2007). However, historically there have been tribal activities in and around the Wildomar area. However, there is a potential for the inadvertent discovery of previously unknown resources. As a result, with the implementation of the mitigation measures (CUL-1 through CUL-6) identified in this Section, any impacts are expected to be at a less than significant level.

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less Than Significant Impact with the Incorporated Mitigation

The site has been identified as having High Sensitivity (High A) for paleontological resources according to the Wildomar General Plan Paleontological Sensitivity Resources Map. Geologic formations in the in the high sensitivity area are known to have fossilized body elements and trace fossils such as tracks, nests and eggs. These fossils can occur at or below the surface. According to the geotechnical technical report prepared for the site, subsurface soils are alluvial soils and alluvial soils of intermediate age (Holocene and Pleistocene). The Pauba Formation, Pleistocene age alluvial sandstone known for containing paleontological resources, is prevalent within the City of Wildomar. While the Pauba Formation was not indentified on the site during initial surveys, mitigation measures (CUL-7) will be included paleontological resources are found during grading and therefore the impacts are expected to be at a less than significant level.

d) Disturb any human remains, including those interred outside of formal cemeteries?

Less Than Significant Impact

The project site does not contain any previously identified cemetery. No on-site burials are known to have occurred on site. Although there are no known archaeological resources on the project site, in the event human remains are encountered during ground disturbing activities the mitigation measures (CUL-1 through CUL-6) identified below will reduce any impacts to a level of less than significant

STANDARD CONDITIONS & REQUIREMENTS

None.

MITIGATION MEASURES

CUL-1 An archeological monitor shall be present during all earthmoving to insure protection of any accidentally discovered potentially significant resources. All cultural resources unearthed by project construction activities shall be evaluated by a qualified archeologist. Any unanticipated cultural resources that are discovered shall be evaluated and a final report prepared. The report shall include a list of the resources recovered, documentation of each site/locality, and interpretation of resources recovered. The City of Wildomar shall

designate repositories in the event the significant resources are recovered.

- CUL-2 At least 30 days prior to seeking a grading permit, the project applicant shall contact the appropriate Tribe¹ to notify the Tribe of grading, excavation and the monitoring program, and to coordinate with the City of Wildomar and the Tribe to develop a Cultural Resources Treatment and Monitoring Agreement. The Agreement shall address the treatment of known cultural resources, the designation, responsibilities, and participation of Native American Tribal monitors during grading, excavation and ground disturbing activities; project grading and development scheduling; terms of compensation; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on the site.
- CUL-3 If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within a reasonable timeframe. Subsequently, the Native American Heritage Commission shall identify the “most likely descendant.” The most likely descendant shall then make recommendations, and engage in consultations concerning the treatment of the remains as provided in Public Resources Code 5097.98.
- CUL-4 The landowner shall relinquish ownership of all cultural resources, including sacred items, burial goods and all archaeological artifacts that are found on the project area to the appropriate Tribe for proper treatment and disposition.
- CUL-5 All sacred sites, should they be encountered within the project area, shall be avoided and preserved as the preferred mitigation, if feasible.
- CUL-6 If inadvertent discoveries of subsurface archaeological resources are discovered during grading, the Developer, the project archaeologist, and the appropriate Tribe shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. If the Developer and the Tribe cannot agree on the significance or the mitigation for such resources, these issues will be presented to the Planning Director for decision. The Planning Director shall make the determination based on the provisions of the CEQA with respect to archaeological resources and shall take into account the religious beliefs, customs, and practices of the appropriate Tribe. Notwithstanding any other rights available under the law, the decision of the Planning Director shall be appealable to the City of Wildomar.
- CUL-7 Prior to the issuance of a grading permit, the developer shall identify the qualified paleontologist to the City of Wildomar who has been retained to evaluate the significance

¹ It is anticipated that the Pechanga Band of Luiseño Indians will be the “appropriate” Tribe due to their prior and extensive coordination with the surrounding cities in determining potentially significant impacts and appropriate mitigation measures.

of any inadvertently discovery paleontological resources. If paleontological resources are encountered during grading or project construction, all work in the area of the find shall cease. The project proponent shall notify the City of Wildomar and retain a qualified paleontologist to investigate the find. The qualified paleontologist shall make recommendations as to the paleontological resource's disposition to the Planning Director. The developer shall pay for all required treatment and storage of the discovered resources.

6. GEOLOGY AND SOILS. Would the project:

Issues	Potentially Significant Impact	Less Than Significant with the Incorporated Mitigation	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning map, issued by the State Geologist for the area or based on other substantial evidence of a known fault?		✓		
ii) Strong seismic ground shaking?		✓		
iii) Seismic-related ground failure, including liquefaction?		✓		
iv) Landslides?				✓
b) Result in substantial soil erosion or the loss of topsoil?			✓	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			✓	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			✓	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?			✓	

DISCUSSION

a) **Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:**

i) **Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)**

Less Than Significant Impact with the Incorporated Mitigation

The project is located within seismically active Southern California and is expected to experience strong ground motions from earthquakes caused by both local and regional faults. According to the geotechnical report prepared by T.H.E Soils Co. Inc., there are no active faults on the project site. The project site does not lie within a State of California Earthquake Fault Hazard Zone (formerly called an Alquist-Priolo Special Studies Zone). The property is located in the Riverside County Fault Hazard area. The closest fault zone to the project site is the Glen Ivy North located approximately 270 feet northwest of the project site. The closest known State of California zoned fault is the Elsinore Fault Zone, which is approximately 4.8 miles from the project site. The potential impacts related to the Elsinore Fault Zone (as well as other regional faults) are addressed through compliance with standard measures contained in the California Building Code and City of Wildomar Municipal Code and those recommended mitigation contained in Mitigation Measure GEO-1. With the implementation of the standard code provisions and Mitigation Measure GEO-1, the anticipated impacts from regional ground shaking are expected to be reduced to a less than significant level.

ii) Strong seismic ground shaking?

Less Than Significant Impact with the Incorporated Mitigation

The proposed project could expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking. The project site is located in an area of high regional seismicity and may experience horizontal ground acceleration during an earthquake along the Glen Ivy North branch of the Elsinore Fault Zone, which is located approximately 270 feet northwest of the project site, or other fault zones throughout the region. The project site does not lie within a State of California Earthquake Fault Hazard Zone (formerly called an Alquist-Priolo Special Studies Zone) or a Riverside County Fault Zone. The project site has been and will continue to be directly affected by seismic activity to some degree. Compliance with recommendations identified in the preliminary geotechnical investigation (and referenced in Mitigation Measure GEO-1) and the requirements contained in the California Building Code and City of Wildomar Municipal Code regarding structures and construction and those recommended mitigation measures contained in this document ensures that any impacts will be less than significant.

iii) Seismic-related ground failure, including liquefaction?

Less Than Significant Impact with the Incorporated Mitigation

The Riverside County GIS and City of Wildomar General Plan indicates that the project site is located in an area that is designated as having a moderate potential for liquefaction. According to the geotechnical report prepared by T.H.E Soils Co. Inc., the possibility of liquefaction is low due to the absence of shallow groundwater and the medium dense to dense underlying alluvium on the project site. To address any potential impacts from other seismic-related ground failure compliance with the specific recommendations identified in Mitigation Measure GEO-1 and the standard requirements contained in the California Building Code and City of Wildomar Municipal Code are expected to reduce the impacts associated with ground failure hazards to a less than significant level.

iv) Landslides?

No Impact

The proposed project is not expected expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death from landslides. Due to the relatively level terrain for the proposed project area and distance from major slopes, this site is not subject to landslide, collapse, or rockfall hazards. The project site is located within an area of general seismic activity, but does not contain areas subject of unstable geologic units or soil. According to the Riverside County GIS, City of Wildomar General Plan and the geotechnical report the project site has no potential for landslides. Additionally, due to the proposed project site's distance from boulders or other rock formations there is no potential for mudslide or rockfall hazards. As a result, no impacts are anticipated; therefore, no additional mitigation measures are required.

b) Result in substantial soil erosion or the loss of topsoil?

Less Than Significant Impact

As with any development, soil erosion can result during construction, as grading and construction can loosen surface soils and make soils susceptible to effects of wind and water movement across the surface. The City routinely requires the submittal of detailed Erosion Control Plans with any grading plans. The implementation of this standard requirement is expected to address any erosional issues associated with the grading of the site. As a result, these impacts are not considered to be significant if the implementation of the necessary erosion and runoff control measures required as part of the approval of a grading plan. No additional mitigation measures are required.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Less Than Significant Impact

Riverside County GIS and City of Wildomar General Plan the project site is located in an area that is designated as having a moderate potential for liquefaction. According to the geotechnical report prepared by T.H.E Soils Co. Inc., the possibility of liquefaction is low due to the absence of shallow groundwater and the medium dense to dense underlying alluvium on the project site. To address any potential impacts related to ground failure compliance with the specific recommendations identified in Mitigation Measure GEO-1 and the standard requirements contained in the California Building Code and City of Wildomar Municipal Code are expected to reduce the impacts associated with ground failure hazards to a less than significant level.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

Less Than Significant Impact

According to the geotechnical report, the native soils beneath the site have a very low expansion as

defined in the California Building Code. As a result, no significant impacts are anticipated and no specific mitigation is required.

e) Have soils capable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

No Impact

The current mobile home on the project site treats wastewater onsite via an onsite sewage disposal system and will be removed prior to grading for the proposed project. The project proposes to connect to the existing sewer and water mains in Almond Street and there will be no impact to the capability of the soils to support use of septic tanks or alternative wastewater disposal systems.

STANDARD CONDITIONS & REQUIREMENTS

1. The project shall comply with the California Building Code and City of Wildomar Municipal Code.
2. Prior to issue of a grading permit, the applicant shall provide an updated soils report to the City of Wildomar Building Department to address expansive soils.

MITIGATION MEASURES

- GEO-1 Comply with the seismic and site stability recommendations contained in the "Preliminary Geotechnical Investigation," prepared by T.H.E. Soils Co., Inc. (as amended or updated).

7. HAZARDS AND HAZARDOUS MATERIALS. Would the project:

Issues	Potentially Significant Impact	Less Than Significant with the Incorporated Mitigation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?			✓	
b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			✓	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			✓	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				✓
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				✓
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?			✓	
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				✓
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				✓

DISCUSSION

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

Less Than Significant Impact with the Incorporated Mitigation

The project proposes a wholesale nursery which has the potential to store limited amounts commercial fertilizers (about 200 pounds) onsite for landscaping activities. Storage of chemicals and fertilizers for landscaping is regulated by the Riverside County Agricultural Commissioner's Office as part of the nursery stock certificate for the wholesale nursery. The project may create an additional increment of hazard to the public or the environment through the routine transport of fertilizers for landscaping activities due to the operation of a wholesale nursery. However, due to the quantity and nature of these materials, these impacts are expected to be less than significant.

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

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

Less Than Significant Impact

The project has some potential may create a hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials, including commercial fertilizers used in landscaping activities, into the environment associated with the operation of a wholesale nursery. The project, a wholesale nursery, may include storage of fertilizers (less than 200 pounds) and chemicals to be used in offsite landscaping operations. Storage of chemicals and fertilizers for landscaping is regulated by the Riverside County Agricultural Commissioner's Office as part of the nursery stock certificate for the wholesale nursery. However, due to the small quantity and limited nature of these materials, these impacts will be considered less than significant. No significant impacts are anticipated and no additional mitigation measures are required.

- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?**

Less Than Significant Impact

The project site is located within one-quarter mile of Elsinore High School. The project proposes a wholesale nursery which has the potential to store limited amounts commercial fertilizers (less than 200 pounds) for landscaping activities. Storage of chemicals and fertilizers for landscaping is regulated by the Riverside County Agricultural Commissioner's Office as part of the nursery stock certificate for the wholesale nursery. However, due to the quantity and nature of these materials, these impacts are expected to be less than significant.

- d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

No Impact

The proposed project is not located on any hazardous materials site as designated by Government Code Section 65962.5. The technical studies provided did not identify any on-site hazardous material issues. A review of the information on the Department of Toxic Substances Control website (www.envirostor.dtsc.ca.gov) did not identify any other sites on or adjacent to the project site. Consequently, no impacts are anticipated and no mitigation measures are required.

- e) **For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?**

No Impact

The project site is not located within any airport land use plan. The closest airport is French Valley Airport which is located about 9.44 miles east southeast of the project site. Given the distance and that the project is not in the airport land use plan for the French Valley Airport, no significant impacts to the project are anticipated and no mitigation measures are required.

- f) **For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?**

Less Than Significant Impact

The project site is not located in close proximity to a private airstrip. The closest private airstrip is Skylark Field which is located at the south end of Lake Elsinore, approximately 1.0 mile west of the project site. Skylark Field is used primarily for skydiving aircraft which commonly drop parachutists into the nearby back bay area south of the lake. Because of the limited use as well as the distance between the project site and Skylark Field, no significant impacts are anticipated and no mitigation measures are required.

- g) **Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

No Impact

The proposed project will not conflict with any emergency response or evacuation plans. Access to the project site is taken from Almond Street off of Bundy Canyon Road from the south or from La Waite Street from the north. The project is not expected to interfere with an adopted emergency response plan or emergency evacuation plan. As a result, no significant impacts are anticipated and no mitigation measures are required.

- h) **Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?**

Less Than Significant Impact

The project site is not located within the High Wildfire Zone area per the City of Wildomar General

Plan and Riverside GIS Maps and therefore will not expose people or structures to a significant risk of loss, injury or death involving wildland fires. However, the project will still be conditioned to require the clearance from the Riverside County Fire Department prior to issuance of grading and building permits. Since clearance from the Riverside County Fire Department will be required prior to issuance of grading and building permits, no impact is expected and no specific mitigation is required.

STANDARD CONDITIONS & REQUIREMENTS

1. Prior to the issuance of grading and building permits, grading and building plans shall be approved by the Riverside County Fire Department.

MITIGATION MEASURES

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

8. HYDROLOGY AND WATER QUALITY. Would the project:

Issues	Potentially Significant Impact	Less Than Significant with the Incorporated Mitigation	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?		✓		
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			✓	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			✓	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?			✓	
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?		✓		
f) Otherwise substantially degrade water quality?		✓		
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood hazard Boundary of Flood Insurance Rate Map or other flood hazard delineation map?				✓
h) Place within 100-year flood hazard area structures, which would impede or redirect flood flows?			✓	
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				✓
j) Inundation by seiche, tsunami, or mudflow?				✓

DISCUSSION

a) Violate any water quality standards or waste discharge requirements?

Less Than Significant Impact with the Incorporated Mitigation

The project falls under the jurisdiction of the Santa Ana Regional Water Quality Control Board (RWQCB) and is located in the San Jacinto River Watershed. A draft Water Quality Management Plan (WQMP) was prepared for the project. The draft WQMP identified best management practices (BMP's) and other measures necessary to protect water quality. The BMP's identified in the Preliminary WQMP include design components such as the channeling onsite runoff to an AC Dike on the southwest corner of the project site to a porous landscape detention basin on the adjacent parcel to the south for water treatment. In the event of large water runoff, water that is not absorbed by the 1.5 foot deep porous landscape detention basin will be channeled into a 4 inch PVC pipe under the landscape detention basin and to an overflow channel (earthen V-Ditch) further south on the adjacent property. The water will be discharged from the overflow channel (earthen V-Ditch) to Bundy Canyon Road. Prior to the issuance of a grading permit, the applicant will be required to submit, and obtain City approval of, a Final Water Quality Management Plan based upon the project approved by the City. This requirement is incorporated into Mitigation Measure HYD-1. As a result of the best management practices and other measures contained in the Preliminary WQMP, the project is not expected to violate any water quality standards, waste discharge requirements, or have a significant impact on the environment.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

Less Than Significant Impact

Water for the existing mobile home is currently provided by Elsinore Valley Municipal Water District (EVMWD). The proposed project will also connect to the existing water service provided by EVMWD infrastructure to the water main within Almond Street. The project applicant will be required to obtain a Final Will Serve letter issued by EVMWD outlining the conditions of water and sewer service. Receipt of a Final Will Serve letter will be a condition of approval for the proposed project to ensure that sufficient capacity is available to serve the proposed project site prior to the issuance of building permits. The proposed project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge, such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted). Any impacts are considered less than significant and no mitigation measures are required.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in flooding on- or off-site?

Less Than Significant Impact

The project as proposed will not alter the course of any river or stream and will not alter the current drainage pattern in such a way as to cause flooding. The current drainage pattern on the site primarily runs southwest across all three properties (366-210-052, 366-210-053 and 366-210-054) from Almond Street to Bundy Canyon Road. This drainage pattern is expected to remain fairly the same after the project is constructed. Preliminary WQMP include design components such as the channeling onsite runoff to an AC Dike on the southwest corner of the project site to a porous landscape detention basin on the adjacent parcel to the south for water treatment. In the event of large water runoff, water that is not absorbed by the 1.5 foot deep porous landscape detention basin will be channeled into a 4 inch PVC pipe under the landscape detention basin and to an overflow channel (earthen V-Ditch) further south on the adjacent property. The water will be discharged from the overflow channel (earthen V-Ditch) to Bundy Canyon Road along the southwest corner of the adjacent property to the south of the project site. Consequently no impacts are anticipated and mitigation measures are required.

- d) **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?**

Less Than Significant Impact

The project as proposed will not substantially alter the existing drainage pattern of the site or area or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site. The current drainage pattern on the site primarily runs southwest across all three properties (366-210-052, 366-210-053 and 366-210-054) from Almond Street to Bundy Canyon Road. This drainage pattern is expected to remain fairly the same after the project is constructed. BMPs will be incorporated into the project design to retain the existing drainage patterns of the site including AC berms, AC Dike on the southwest corner of the project site and a porous landscape detention basin on the adjacent parcel to the south. As a result, no significant impacts are anticipated and no mitigation measures are required.

- e) **Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?**

Less Than Significant Impact with the Incorporated Mitigation

The requirements of the urban runoff program for the Santa Ana Watershed require that post-development flows do not exceed the pre-development flows for 2-year, 24 hour-and 10-year, 24-hour rainfall events. A Preliminary Water Quality Management Plan (WQMP) was submitted for review of drainage patterns and BMP's with the application for the zone change and plot plan. The Final WQMP for the proposed project will be required to ensure that post-development flows do not exceed the pre-development flows for 2-year, 24 hour-and 10-year. This requirement is contained in Mitigation Measure HYD-1. With the implementation of Mitigation Measure HYD-1, any impacts are considered less than significant and no additional mitigation measures are required.

- f) **Otherwise substantially degrade water quality?**

Less Than Significant Impact with the Incorporated Mitigation

The project as proposed will not otherwise substantially degrade water quality. Compliance with the requirements of the Stormwater Pollution Prevention Program (Mitigation Measures HAZ-1), WQMP (Mitigation Measure HYD-1), and the City of Wildomar's erosion control requirements will ensure that significant water quality impacts and violations of standards and requirements do not occur. With these mitigation measures and standard requirements, any water quality impacts are expected to be less than significant and no additional mitigation measures are required.

- g) Place housing within a 100-year flood hazard area as mapped on a federal Flood hazard Boundary of Flood Insurance Rate Map or other flood hazard delineation map?**

No Impact

The project is proposing to construct a wholesale nursery. Consequently, the proposed project will not place housing within a 100-year flood hazard area as mapped on a federal Flood hazard Boundary of Flood Insurance Rate Map or other flood hazard delineation map. As a result, no impacts are anticipated and no mitigation is required.

- h) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?**

Less Than Significant Impact

The project does not propose to impede or redirect any of the existing drainage flows. The project site is located within Zone "X" according to Map Number 06065C2044G. The Federal Emergency Management Agency (FEMA) describes Zone X as area determined to be outside the 0.2% annual chance floodplain. The project site is located outside of the 100-year flood hazard area. As a result, no impacts are anticipated and no mitigation measures are required.

- i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?**

No Impact

The proposed project will is not located within a dam inundation area or an area that is expected to experience severe flooding as the proposed project is located outside of the 100-year flood hazard area. Consequently, the project is not expected to expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam. No impacts are anticipated and no mitigation required.

- j) Inundation by seiche, tsunami, or mudflow?**

No Impact

The project site is not located in an area that is subject to seiches, mudflows, or tsunamis. As a result, no impacts are anticipated and no mitigation measures are required.

STANDARD CONDITIONS & REQUIREMENTS

None.

MITIGATION MEASURES

HYD-1 Prior to the approval of the grading permit, the City shall review and approve the Final Water Quality Management Plan as required by the program requirements in effect at that time.

9. LAND USE AND PLANNING. Would the project:				
Issues	Potentially Significant Impact	Less Than Significant with the Incorporated Mitigation	Less Than Significant Impact	No Impact
a) Physically divide an established community?			✓	
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			✓	
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?			✓	

DISCUSSION

a) Physically divide an established community?

Less Than Significant Impact

The project site is located on Almond Street approximately 210 feet from the intersection Almond Street and Bundy Canyon Road. The site is currently occupied with a mobile home. The properties to the north and west are developed with a commercial/industrial uses. The properties to the south are owned by the same property owner as the proposed project site and are mostly vacant with the exception of several mobile homes. The lots adjacent to Bundy Canyon Road are slated for future commercial development. The properties to east, across Almond Street, are residential. The surrounding area is zoned Rural Residential (R-R) and One-Family Residential (R-1-2000).

The Wildomar General Plan land use designation for the project site and adjacent lots is Commercial Retail. The applicant is applying for zone change for the project site and the two adjacent properties to the south to be rezoned to General Commercial (C-1/C-P) to allow for the wholesale nursery and to be consistent with the land use designation of the General Plan. In addition, the project is not proposing to eliminate any of the existing streets in the area or to create any new arterial roadways or structures that would divide the community. As a result, no significant impacts are anticipated and no mitigation measures are required.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

Less Than Significant Impact

The project site and the properties to the north, south and west are zoned Rural Residential (R-R). The properties to the east, across Almond Street, are zoned One-Family Residential (R-1-2000). The

proposed project, a wholesale nursery, is inconsistent with the R-R zoning designation. The applicant is applying for zone change for the project site and the two adjacent properties to the south to be rezoned to General Commercial (C-1/C-P) allow for the wholesale nursery. The Wildomar General Plan land use designation for the project site and adjacent lots to the south is Commercial Retail. The land use designation for the properties to the north, east, across Almond Street, and west is Medium Density Residential (MDR). The project site is currently consistent with the land use designation of the General Plan. Consequently, the proposed project will not conflict with any applicable land use plan, policy, or regulation with the approval the zone change application. As a result, no impacts are anticipated and no mitigation measures are required.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

Less Than Significant Impact

As previously discussed, the project site is not located with the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) or MSHCP criteria cell area and therefore the proposed project does not conflict with a habitat conservation plan. A MSHCP Compliance Report prepared by Principe and Associates for all three lots (366-210-052, 366-210-053 and 366-210-054). The report indentified that the project site, including all three lots, are “Not a Part” of the proposed Conservation Planning (MSHCP) Criteria Areas. In addition, the site is not located in the RCA Acquisitions/Gains Area or Agricultural Operations Area or in a MSHCP Public/Quasi Public Conserved Area, Project Loss Area or Conserved Area. A further discussion of the MSHCP can be found in the Biology section. As a result of the MSHCP report, no impacts are anticipated and no additional mitigation measures are required.

STANDARD CONDITIONS & REQUIREMENTS

None.

MITIGATION MEASURES

None.

10. MINERAL RESOURCES. Would the project:

Issues	Potentially Significant Impact	Less Than Significant with the Incorporated Mitigation	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?				✓
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				✓

DISCUSSION

- a) **Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?**

No Impact

The project site is located within Mineral Zone MRZ-3 according to the Wildomar General Plan. However, no mineral resources have been identified on the project site and there is no historical use of the site or surrounding area for mineral extraction purposes. In addition, the soils information contained in geotechnical report did not identify any significant mineral resources. There are no known mineral resources on the proposed project site that would be of value to the region or the residents of the State. As a result, no impacts are anticipated and no mitigation measures are required.

- b) **Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?**

No Impact

According to the City of Wildomar General Plan, there are no known mineral resources on the proposed project site that would result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan be of value to the region or the residents of the State. As a result, no impacts are anticipated and no mitigation measures are required.

STANDARD CONDITIONS & REQUIREMENTS

None.

MITIGATION MEASURES

None.

11. NOISE. Would the project result in:

Issues	Potentially Significant Impact	Less Than Significant with the Incorporated Mitigation	Less Than Significant Impact	No Impact
a) The exposure of persons to, or the generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			✓	
b) The exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			✓	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			✓	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		✓		
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				✓
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?			✓	

DISCUSSION

- a) **Exposure of persons to, or the generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

Less Than Significant Impact

The site is currently developed with a mobile home and has a minimal contribution to local noise levels. The properties to the north and west are developed with a commercial/industrial uses. The two properties to the south are owned by the same property owner as the proposed project site and are mostly vacant with the exception of several mobile homes. The lots are slated for future commercial development. The properties to east, across Almond Street, are residential. Once constructed, the proposed project will result in a minor incremental increase in noise levels mostly due to vehicular traffic, including delivery trucks for the distribution of nursery material/supplies, and operational noise due to backhoes and trucks for movement of nursery material/supplies. Hours of operation are limited to 7:00am to 5:00pm Monday through Friday and 8:00am to 4:00pm on Saturday. In addition the project is subject to approval for the Conditional Use Permit to restrict hours of operation. The General Plan designation for the project site and surrounding properties is

Commercial Retail. It is expected that at full build-out of the area, designed Commercial Retail in the General Plan, that noise levels would increase beyond that of a residential neighborhood or vacant properties.

During project construction, there will be a short term increase in noise levels. Most of this construction noise is expected to result from site grading and the building construction. To ensure compliance with community standards, the project will be conditioned to comply with the provisions of Chapter 9.52 of the Wildomar Municipal Code, as summarized in Mitigation Measure NOI-1, to minimize any adverse effects.

Permanent and temporary construction noise levels are not expected to exceed the established noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. With the implementation of standard conditions/requirements and Mitigation Measure NOI-1, no significant noise impacts are expected to occur.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

Less Than Significant Impact

Groundborne vibrations and noise can result from both the construction and grading of the site. According to the geotechnical study, there are no soil conditions on the site that require the use of unusual grading equipment or blasting which would result in the creation of excessive groundborne vibrations. While some localized vibrations may occur during the grading and soil hauling activities, any impacts are expected to non-significant and limited to the project site. The proposed project is limited to a veterinary hospital. Once the project is completed no excessive ground vibrations or noises are expected to occur. Based upon these anticipated impacts and site development requirements, no significant impacts are anticipated.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Less Than Significant Impact

The site is currently developed with a mobile home and has a minimal contribution to local noise levels. Existing ambient noise is generated from Bundy Canyon Road which is roughly 219 feet south of the project site and the surrounding commercial uses. The properties to the north and west are developed with a commercial/industrial uses. The properties to the south are owned by the same property owner as the proposed project site and are mostly vacant with the exception of several mobile homes. The lots are slated for future commercial development. The properties to east, across Almond Street, are residential. Once constructed, the proposed project will result in a minor incremental increase in noise levels mostly due to vehicular traffic, including delivery trucks for the distribution of nursery material/supplies, and operational noise due to backhoes and trucks for movement of nursery material/supplies. The hours of operation of the whole sale nursery will be limited to 7:00am to 5:00pm Monday through Friday and 8:00am to 4:00pm on Saturday. The most noticeable source of non-automotive noise from commercial development is from roof-mounted equipment (such as exhaust fans and air conditioners).

The use is compatible General Plan designation of Commercial Retail and the development of a wholesale nursery is in compliance with the land use designation. In addition a Conditional Use Permit (CUP) will be processed that will have conditions of approval that restrict the hours of operation to 7:00am to 5:00pm Monday through Friday and 8:00am to 4:00pm on Saturday. Given that the project site is surrounded by limited noise sensitive uses and incorporation of the conditionals of approval for the CUP to restrict hours of operation to 7:00am to 5:00pm Monday through Friday and 8:00am to 4:00pm on Saturday, the project is expected to have a less than significant impact on increasing ambient noise levels to a substantial permanent increase in the project vicinity above levels existing without the project.

- d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?**

Less Than Significant Impact with the Incorporated Mitigation

The proposed project will result in temporary increase in ambient noise levels above existing levels without the project during project construction. This is expected to occur as the existing structures are demolished, the site graded, and the building and other site improvements constructed. These noise impacts have the potential to be significant considering the distance to adjacent residents and the amount of soil export required to construct the project.

Chapter 9.52 of the Wildomar Municipal Code requires that all construction activities (except in emergencies) shall be limited to the hours of 6:00 a.m. to 6:00 p.m. (June through September) and 7:00 a.m. to 6:00 p.m. (October through May). All construction activities shall comply with the noise ordinance performance standards where technically and economically feasible, and that all construction equipment shall use properly operating mufflers. In addition, people working near the heavy equipment will be exposed to high noise levels for short periods of time. This level, however, is below the Occupational Safety and Health Administration (OSHA) noise exposure limit of 90 dBA for 8 hours per day. The City and private contractors are required to comply with OSHA requirements for employee protection during construction. With the implementation of standard conditions/requirements and mitigation measures (NOI-1), no significant noise impacts are expected to occur.

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

No Impact

The project site is not located within the influence area for any airport. The closest general aviation airfield is French Valley Airport, approximately 9.44 miles southeast, and outside of the airport noise and safety influence or flight surface control areas. As a result, no impacts are anticipated and no mitigation measures are required.

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

Less Than Significant Impact

Skylark Field is located approximately 1.0 mile west of the project site in the City of Lake Elsinore. Skylark Airport is used primarily by skydiving aircraft. Given the type of aircraft that routinely use the airfield and the distance to the project site the occasional over flights are not expected to have a significant impact and no mitigation measures are required.

STANDARD CONDITIONS & REQUIREMENTS

1. The proposed project shall comply with the development standard of Chapter 17.96 of the City of Wildomar Zoning Code.

MITIGATION MEASURES

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

- All construction and general maintenance activities (except in an emergency) shall be limited to the hours of 6:00 a.m. to 6:00 p.m. (June through September) and 7:00 a.m. to 6:00 p.m. (October through May).
- All construction activities shall comply with the noise ordinance performance standards where technically and economically feasible.
- Where practicable, during the construction phase of the proposed project, the construction contractor shall utilize construction methods or equipment that will provide the lowest level of noise impact, i.e., use newer equipment that will generate lower noise levels.
- During all project site excavation and grading activities, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.
- The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise sensitive receptors nearest the project site during all project construction.

12. POPULATION AND HOUSING. Would the project:

Issues	Potentially Significant Impact	Less Than Significant with the Incorporated Mitigation	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			✓	
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?			✓	
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?			✓	

DISCUSSION

- a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**

Less Than Significant Impact

The proposed project will provide a commercial use, a wholesale nursery. The project is not expected to result in a substantial increase in local population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure). The proposed wholesale nursery business estimates twelve employees on staff of which currently live in the City of Wildomar or in the adjacent cities. As a result, any impacts related to the proposed project site are considered less than significant and no additional mitigation measures are required.

- b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?**

Less Than Significant Impact

The project site is currently developed with a mobile home on the southeast corner of the lot that was constructed in 1983 according to County records. The impact is not expected to be significant to displacing substantial numbers of existing housing since it is only the loss of one single-family residence and construction of replacement housing is not required. The residence is currently occupied by an employee of the property owner/wholesale nursery owner to maintain the project site. In addition, the Wildomar General Plan land use designation for the project site is Commercial Retail and the applicant is applying for zone change to General Commercial Zone (C-1/C-P) for the project site and the two adjacent properties to the south. Upon approval of the zone change, the proposed project will be consistent with the zoning designation of C-1/C-P. There are many housing units available within the community and surrounding area. Consequently, the project will

not displace a significant existing housing and impact the housing demand of the City of Wildomar. As a result, no significant impacts are anticipated and no mitigation measure is required.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

Less Than Significant Impact

The project site is currently developed with a mobile home on the southeast corner of the lot that was constructed in 1983 according to County records. The impact is not expected to be significant to displacing substantial numbers of people since it is only the loss of one single-family residence and construction of replacement housing is not necessary elsewhere. The residence is currently occupied by an employee of the property owner/wholesale nursery owner to maintain the project site. In addition, the Wildomar General Plan land use designation for the project site is Commercial Retail and the applicant is applying for zone change for the project site and the two adjacent properties to the south to General Commercial Zone (C-1/C-P). Upon approval of the zone change, the proposed project will be consistent with the zoning designation of C-1/C-P. There are many housing units available within the community and surrounding area. Consequently, the project will not displace a significant number of existing residents. As a result, no impacts are anticipated; and no mitigation measures are required.

STANDARD CONDITIONS & REQUIREMENTS

None.

MITIGATION MEASURES

None.

13. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Issues	Potentially Significant Impact	Less Than Significant with the Incorporated Mitigation	Less Than Significant Impact	No Impact
a) Fire protection?			✓	
b) Police protection?			✓	
c) Schools?			✓	
d) Parks?				✓
e) Other public facilities?			✓	

DISCUSSION

a) Fire protection?

Less Than Significant Impact

The Riverside County Fire Department provides fire protection and safety services to the City of Wildomar. The nearest fire station is Wildomar Fire Station #61, located at 32637 Gruwell Street, approximately 1.63 miles from the project site. In addition to Station #61, there are several other Riverside County fire stations in the surrounding area that would be able to provide fire protection safety services to the project site if needed. The project has been conditioned to comply with the requirements of the Riverside Fire Protection Department and for the payment of standard development impact fees pursuant to Chapter 4.60 of the Wildomar Municipal Code. The proposed project is not expected to result in activities that create unusual fire protection needs or significant impacts. Any impacts will be considered incremental and can be offset through the payment of the appropriate Development Impact Fee.

b) Police protection?

Less Than Significant Impact

Police protection services are provided the Riverside County Sheriff's Department. The nearest sheriff's station is located at 333 Limited Street in Lake Elsinore, approximately 4.03 miles from the project site. Traffic enforcement is provided for Riverside County in this area by the California Highway Patrol with additional support from the local County Sheriff's Department. The project has been conditioned for the payment of the standard development impact fees pursuant to Chapter 4.60 of the Wildomar Municipal Code. As a result, the project is not expected to result in activities that create unusual police protection needs or significant impacts. Any impacts will be considered incremental and can be offset through the payment of the appropriate Development Impact Fee.

c) Schools?

Less Than Significant Impact

The proposed project is located within the Lake Elsinore Unified School District (LEUSD). LEUSD has established school impact mitigation fees to address the facility impacts created by residential, commercial, and industrial development. Due to the commercial use of the proposed project, a whole sale nursery operation, the project will not generate any additional students into the district and has no potential to directly impact to the local school system because no new population will be generated on the project site. The project will be conditioned to comply with School Mitigation Impact Fees established by the Elsinore Unified School District to mitigate the potential effects to school services. As a result, no impacts are anticipated.

d) Parks?

No Impact

The proposed project is commercial in nature and is not expected to directly affect community recreational facilities. In addition, the project will also not adversely affect any existing parks, recreation sites or programs. As a result no impacts are anticipated.

e) Other public facilities?

Less Than Significant Impact

The proposed project may result in a slight increase in the demand for other governmental services such as the economic development and the other community support services commonly provided by the City of Wildomar. The demand for these additional public service impacts will be incremental and minor because of the small size of the project, a modular building and outdoor wholesale nursery. This increment of impact will be mitigated through the payment of the appropriate development impact fees and through the City budget for non-impact fee programs and expenses. The City budget is based upon a combination of property tax, sales tax, user fees, and State and Federal government pass-through funding. Most of these revenue sources are from commercial sales, population, or development related, which means the more residents or business activity within the City, the greater the amount of funding that could be available. As a result, the project will not result in any significant impacts to these services, and no additional mitigation measures, beyond the standard requirements, are required.

STANDARD CONDITIONS & REQUIREMENTS

1. Prior to issuance of any building permit, the developer shall pay the required Development Impact Fees for police and fire services pursuant to Chapter 4.60 of the Wildomar Municipal Code and in effect at the time of building permit issuance.
2. Prior to issuance of any building permit, the developer shall pay the required school impact mitigation fees established by the Lake Elsinore Unified School District and in effect at the time of building permit issuance.

MITIGATION MEASURES

None.

14. RECREATION. Would the project:

Issues	Potentially Significant Impact	Less Than Significant with the Incorporated Mitigation	Less Than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur or be accelerated?				✓
b) Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?				✓

DISCUSSION

- a) Increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur or be accelerated?**

No Impact

The proposed project is a commercial use, a 5,280 square foot modular building and outdoor wholesale nursery, and is not expected to increase the impact on existing neighborhood and regional parks or other recreational facilities. There are also no parks or recreational facilities in close proximity to the project site. As a result no impacts are anticipated.

- b) Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?**

No Impact

The proposed project is a commercial use, a 5,280 square foot modular building and outdoor wholesale nursery, and is not expected to require the construction or expansion of new recreational facilities. There are no parks or recreational facilities included in the project. However, according to the Wildomar General Plan Trails and Bikeway System Map, a Community Trail is designated for Almond Street from Lemon Street south to Bundy Canyon Road. Currently, the trail system is not implemented along Almond Street. The project will be conditioned to provide a 10 foot Community Trail easement along the frontage of the property for future trail improvements. The requirement for a 10 foot Community Trail easement will reduce the project impact to less than significant.

STANDARD CONDITIONS & REQUIREMENTS

None.

MITIGATION MEASURES

None.

15. TRANSPORTATION/TRAFFIC. Would the project:

Issues	Potentially Significant Impact	Less Than Significant with the Incorporated Mitigation	Less Than Significant Impact	No Impact
a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			✓	
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?			✓	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				✓
d) Substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			✓	
e) Result in inadequate emergency access?			✓	
f) Result in inadequate parking capacity?			✓	
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?			✓	

DISCUSSION

- a) **Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?**

Less Than Significant Impact

The project site for the wholesale nursery is located on the west side of Almond Street. Bundy Canyon, the nearest major intersection, is approximately 210 feet the south of the project site. The project site is roughly 0.33 miles from Interstate 15. According to the Wildomar General Plan, Almond Street is categorized as a Collector Street. The typical Collector Street is located within a 74 foot right-of-way and, at build-out, is expected to consist of one lane in each direction. Currently Almond Street has a 60 foot right-of-way. Bundy Canyon Road is designated as an Urban Arterial with a 152 foot right-of-way according to the Wildomar General Plan. Bundy Canyon Road adjacent to Almond Street has four lanes with two in each direction.

Intersection and roadway functioning is often described by its Level of Service (LOS). LOS “A” constitutes light traffic conditions with no interruptions in service or delays at intersections. While LOS “F” represents congested and unstable conditions with slow moving traffic accompanied with significant delays at many intersections. The City General Plan establishes a citywide goal for intersection performance during peak traffic periods at Level of Service “D” or better. The existing levels of service for a typical collector street and urban arterial are shown in Table 5.

TABLE 5 - EXISTING LEVELS OF SERVICE FOR ROADWAYS

Roadway Classification	Number of Lanes	Maximum Two-Way Traffic Volume (ADT)*		
		Service Level C	Service Level D	Service Level E
Collector	2	10,400	11,700	13,000
Urban Arterial	6	43,100	48,500	53,900

* From Circulation Element of the Wildomar General Plan

The proposed project will result in additional vehicle trips on the citywide road network. The wholesale nursery is expected to generate an average of 13 AM daily vehicle trips and an average of 27 PM daily trips. The trip generation rates were based on the proposed 5,280 square foot modular building for wholesale nursery. Most of these vehicle trips will access the citywide road network via Almond Ave and Bundy Canyon Road. It is not anticipated that the additional trips will significantly decrease the current LOS rating for Almond Ave and Bundy Canyon Road. The calculation of the estimated vehicle trips is contained in Table 6.

TABLE 6 – ESTIMATED TRIP GENERATION FOR THE PROPOSED PROJECT

	Area (ft ²)	AM Trip Generation Rate	AM Trip Generated	PM Trip Generation Rate	PM Trip Generated
Modular Building for a Wholesale Nursery	5,280	2.40 per 1000sf	13	5.17 per 1000sf	27

The proposed project is consistent with the General Plan land use designation of Commercial Retail and therefore the project is also consistent with the circulation system requirements of the General Plan. As a result, no significant impacts are anticipated. In addition to the physical roadway improvements in front of the project, the developer will be required to mitigate any project impacts by paying its fair share toward the City of Wildomar’s Development Impact Fee program and the regional Transportation Uniform Mitigation Fee (TUMF) program. These standard requirements are expected to ensure that community and areawide project impacts remain at a less than significant level.

- b) **Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?**

Less Than Significant Impact

Almond Street and Bundy Canyon Road are not designated as part of the Congestion Management Program (CMP) roadway. However, it is possible that some of the vehicle trips leaving the project site via Clinton Keith Road may connect to the CMP network at Interstate 15. The proposed project could add an additional increment of traffic to the designated CMP network. The increment of potential impact associated with this project will be mitigated by the existing road network fees contained in the standard requirements. Consequently, the project will not significantly affect the designated CMP road network. As a result, no significant impacts are anticipated.

- c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?**

No Impact

The proposed project will not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks. The maximum height of the project at 18 feet (one story) is significantly less than the height of the terrain in the vicinity of the project. Since the location and height of the project will not affect air traffic patterns or aircraft operations from any private or public airport, no impacts are foreseen; therefore, no mitigation measures are required.

- d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

Less Than Significant Impact

The project will not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Access and roadway improvements to Almond Street will be designed to comply with design criteria contained in Ordinance 461 of the City of Wildomar and the Wildomar General Plan. Sight distance and signing and pavement striping to and at the project driveways will be reviewed at the time of final grading, landscape and street improvement plans. No significant impacts are anticipated and no additional mitigation measures are required.

- e) Result in inadequate emergency access?**

Less Than Significant Impact

The project has no potential to result in inadequate emergency access. Access to and from the project will be provided from Almond Street via Clinton Keith Road to the south or Waite Street to the north. The project will construct additional improvements to Almond Street per Ordinance 461 of the City of Wildomar and the Wildomar General Plan. The location and design of the project will not interfere with areawide emergency access or the implementation of local emergency response plans. As a result, no significant impacts are anticipated and no mitigation is required.

- f) Result in inadequate parking capacity?**

Less Than Significant Impact

The project will not result in inadequate parking capacity. On-site parking spaces will be required in accordance with the City of Wildomar Zoning Code, Chapter 17.888.030. The parking requirement for a wholesale nursery, which is classified as a professional business office, is one space per 200 square feet of gross floor area, plus one van accessible handicapped parking space. The project proposes a 5,280 square feet modular building which requires a minimum of 27 parking spaces per the zoning code. The project will provide 28 parking spaces plus two van accessible handicapped parking space; therefore the proposed project will be consistent with the parking requirements of Chapter 17.888.030. As a result, no impacts are anticipated and no mitigation is required.

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

Less Than Significant Impact

Almond Street is categorized as a Collector Road with currently a 60 foot right-of-way (ROW). The typical Collector Street is located within a 74 foot right-of-way and, at build-out, is expected to consist of one lane in each direction. Roadway improvements to Almond Street will be designed to comply with design criteria contained in Ordinance 461 of the City of Wildomar and the Wildomar General Plan, including the construction of sidewalks, curbs and gutters along the property frontage. Additional 10 feet of ROW may be acquired to support a Community Trail along Almond Street as shown on the Wildomar General Plan Trails and Bikeway System Map. The proposed project does not include bicycle lanes, bus turnouts or other design components to support alternative transportation as part of the project design. The project's implementation will not conflict with adopted policies supporting alternative transportation. As a result, no significant impacts are expected and no mitigation is required.

STANDARD CONDITIONS & REQUIREMENTS

1. Prior to the issuance of any building permit, the developer shall pay the appropriate locally designated Development Impact Fees.
2. Prior to issuance of any building permit, the developer shall pay the appropriate Transportation Uniform Mitigation Fee

MITIGATION MEASURES

None.

16. UTILITIES AND SERVICE SYSTEMS. Would the project:

Issues	Potentially Significant Impact	Less Than Significant with the Incorporated Mitigation	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			✓	
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			✓	
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			✓	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources or are new or expanded entitlements needed?			✓	
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			✓	
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			✓	
g) Comply with federal, state, and local statutes and regulations related to solid waste?		✓		

DISCUSSION

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

Less Than Significant Impact

The Santa Ana Regional Water Quality Control Board regulates wastewater discharges within the northern portion of the City of Wildomar. The current mobile home on the project site treats wastewater onsite via an onsite sewage disposal system and will be removed prior to grading for the proposed project. The project proposes to connect to water and sewer service provided by Elsinore Valley Municipal Water District (EVMWD) infrastructure including existing mains located within Almond Street. The project applicant will be required to obtain a Final Will Serve letter issued by EVMWD outlining the conditions of water and sewer service. Receipt of a Final Will Serve letter will be a condition of approval for the proposed project to ensure that sufficient capacity is available to

serve the proposed project site prior to the issuance of building permits. However, due to the nature of the proposed land uses on the project site and the relatively small size of the proposed project, it is not anticipated that the proposed project will exceed the wastewater treatment requirements of the Santa Ana Regional Water Quality Control Board. As a result, no significant impacts are anticipated and no additional mitigation measures are required. Urban runoff-related water quality impacts associated with project construction and operation are discussed in the Hydrology and Water Quality Section of this Initial Study.

- b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

Less Than Significant Impact

The project is within the service boundary for the Elsinore Valley Municipal Water District (EVMWD). The current mobile home on the project site treats wastewater onsite via an onsite sewage disposal system and will be removed prior to grading for the proposed project. Water for the mobile home is provided by EVMWD. The project proposes to connect to water and sewer service provided by Elsinore Valley Municipal Water District (EVMWD) infrastructure including existing mains located within Almond Street. The project applicant will be required to obtain a Final Will Serve letter issued by EVMWD outlining the conditions of water and sewer service. Receipt of a Final Will Serve letter will be a condition of approval for the proposed project to ensure that sufficient capacity is available to serve the proposed project site prior to the issuance of building permits. However, due to the nature of the proposed land uses on the project site and the relatively small size of the proposed project, it is not anticipated that the proposed project will physically alter existing facilities or result in the construction of new or physically altered facilities. The proposed project related impacts will be mitigated through the payment of water and sewer connection fees.

- c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

Less Than Significant Impact

The project will not result in the construction of the new storm water drainage facilities or expansion of existing facilities as on-site drainage as onsite drainage will be handled on the project site and adjacent property to the south. Onsite water runoff from the project site will sheet flow from an AC Dike on the southwest corner of the project site to a porous landscape detention basin on the adjacent parcel to the south for water treatment. In the event of large water runoff, water that is not absorbed by the 1.5 foot deep porous landscape detention basin will be channeled into a 4 inch PVC pipe under the landscape detention basin and to an overflow channel (earthen V-Ditch) further south on the adjacent property. The water will be discharged from the overflow channel (earthen V-Ditch) to Bundy Canyon Road. The proposed drainage system will include best management practices identified in the Preliminary Water Quality Management Plan (and discussed in the Hydrology and Water Quality Section of this Initial Study). Since no new or expanded storm drain facilities are proposed, no significant impacts are anticipated.

- d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?**

Less Than Significant Impact

The project is within the service boundary for the Elsinore Valley Municipal Water District (EVMWD). Water for the existing mobile home is currently provided by EVMWD. The proposed project will also connect to the existing water service provided by EVMWD infrastructure to the water main within Almond Street. The project applicant will be required to obtain a Final Will Serve letter issued by EVMWD outlining the conditions of water service. Receipt of a Final Will Serve letter will be a condition of approval for the proposed project to ensure that sufficient capacity is available to serve the proposed project site prior to the issuance of building permits. The proposed project will not create an additional demand for water supplies, including EVMWD and the impact is considered to be less than significant.

- e) **Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

Less Than Significant Impact

As described above, the project will be connecting to water and sewer service provided by Elsinore Valley Municipal Water District (EVMWD) infrastructure. The current mobile home on the project site treats wastewater onsite via an onsite sewage disposal system. The proposed project will remove the existing sewage disposal system prior to grading and install new sewer lines that will connect to the sewer main in Almond Street. The project applicant will be required to obtain a Final Will Serve letter issued by EVMWD outlining the conditions sewer service. Receipt of a Final Will Serve letter will be a condition of approval for the proposed project to ensure that sufficient capacity is available to serve the proposed project site prior to the issuance of building permits.

- f) **Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?**

Less Than Significant Impact

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

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

- g) **Comply with federal, state, and local statutes and regulations related to solid waste?**

Less Than Significant Impact with the Incorporated Mitigation

The proposed project is subject to the Solid Waste Reuse and Recycling Access Act of 1991. The Act requires that adequate areas be provided for collecting and loading recyclable materials such as paper products, glass and other recyclables. Mitigation measures are proposed by the Riverside County Waste Management Division to ensure compliance with the Act. Through the implementation of the mitigation measures (UTL-1), solid waste impacts resulting from the proposed project will result in a less than significant impact.

STANDARD CONDITIONS & REQUIREMENTS

1. The applicant shall obtain a Final Will Serve letter from Elsinore Valley Municipal Water District to ensure that sufficient capacity for water and sewer is available to serve the proposed project site prior to the issuance of building permits.

MITIGATION MEASURES

- UTL-1 Prior to the issuance of a building permit, the project applicant shall submit a recycling collection and loading area plan to the Riverside County Waste Management Division.

V. MANDATORY FINDINGS OF SIGNIFICANCE

MANDATORY FINDINGS OF SIGNIFICANCE. Does the project:				
Issues	Potentially Significant Impact	Less Than Significant with the Incorporated Mitigation	Less Than Significant Impact	No Impact
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	✓			
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	✓			
c) Have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	✓			

DISCUSSION

The following are Mandatory Findings of Significance in accordance with Section 15065 of the CEQA Guidelines.

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

Less Than Significant Impact with Mitigation Incorporated

Based on evaluations and discussions contained in this Initial Study, the proposed project has a very limited potential to incrementally degrade the quality of the environment because the site was previously developed, is not in an environmentally sensitive location, and is consistent with the City of Wildomar General Plan. As a result, the proposed project will not significantly affect the environment with mitigation measures contained in this IS/MND.

- b) **Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)**

Less Than Significant Impact with Mitigation Incorporated

The proposed project will have impacts that are individually limited but are not cumulatively considerable with mitigation measures. No cumulative environmental impacts have been identified in association with the proposed project that cannot be mitigated to a less than significant impact level or that were not identified through the City of Wildomar's General Plan program. Given that the project's impacts are less than significant, cumulative impacts are also not foreseen to be significant.

- c) **Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?**

Less Than Significant Impact with Mitigation Incorporated

The proposed project does not have the potential to significantly adversely affect humans, either directly or indirectly with mitigation measures. While a number of the project impacts were identified as having a potential to significantly impact humans, with the identified mitigation measures and standard requirements these impacts are expected to be less than significant. With implementation of the identified measures, the proposed project is not expected to cause significant adverse impacts to humans. All significant impacts are avoidable and the City of Wildomar will ensure that measures imposed to protect human beings are implemented.

CITY OF WILDOMAR – PLANNING COMMISSION
Agenda Item 6.1
GENERAL BUSINESS
Meeting Date: November 4, 2009

TO: Members of the Planning Commission
FROM: David Hogan, Planning Director
SUBJECT: Zoning Ordinance Modification – Second Dwelling Units

RECOMMENDATION:

The Planning Department requests that the Planning Commission provide direction to staff on modifications to the zoning ordinance related to second dwelling units.

BACKGROUND:

During the start up process period for the City, staff has identified a number of potential zoning ordinance amendments to make them more appropriate to local conditions. These various suggestions related 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. These items were initially discussed by the Planning Commission on August 5, 2009. At that time the Commission made a recommendation on all of the proposed topics except the Second Dwelling Units. The subject of second units was continued to a future meeting.

The Planning Commission's discussion on second dwelling units expressed a wide range of concerns and issues, and included some confusion on the differences between second dwelling units and "granny flats". The concerns and issues focused on the following items: *Property Rights* – the right of reasonable use by the owner; *Density* – density increases and the potential for increases in traffic impacts; *Who Occupies* - the ability for non-family members to occupy the second dwelling unit; and *Unit Size* - that only smaller-sized second dwelling units are appropriate (and a concern that a single wide mobile home should not be useable as a second dwelling unit).

The purpose of this staff report is to provide additional information on second dwelling units to solicit additional guidance from the Commission on this topic. Staff is concerned that requiring one acre may not be reasonable for lots between half an acre and one acre in size. For example, at this time the City has received an application for a second dwelling unit on a lot that is 0.55 acres in size; though staff has concerns about limiting second dwelling units to lots that over three-quarters of an acre and under one acre. Consequently, staff is requesting guidance from the Planning Commission and City Council on this matter.

While the definitions in state law for a second dwelling unit and granny flat are synonymous, the zoning ordinance does differentiate between the two (though the granny flat option is combined with a special hardship provision). The definitions are as follows.

Second Dwelling Units is defined as a fully functional second house on the same residential lot as the primary residential unit that may be occupied (rented) by anyone.

Senior Citizen (“granny flat”) and Hardship Second Units are defined as a second dwelling unit which is intended for the sole occupancy of one or two adults who are sixty (60) years of age or over, or family members, or those persons with special disabilities or handicaps.

REQUIREMENTS OF STATE LAW:

A second dwelling unit is defined as a second house on the same residential lot. Section 65852.2 of the State Planning and Zoning Law establish the basic standards by which local governments may regulate second dwelling units in the following areas:

- The City may designate areas where second dwelling units may be permitted [Section 65852.2(a)(1)(A)].
- The City may establish design standards for second dwelling units addressing parking, height, setback, lot coverage, architectural review, and the maximum size of a unit [Section 65852.2(a)(1)(B)].
- The City may provide that the second dwelling units not exceed allowable General Plan density [Section 65852.2(a)(1)(C)].
- The City may **not** create or utilize a discretionary permit process when reviewing second dwelling units [Section 65852.2(a)(3)]. (A discretionary permit routinely requires a public hearing and routinely involves compliance with non-codified requirements or design criteria.)

To further understand the State’s expectations about second dwelling units, Section 65852.2 contains second unit requirements for local governments that do not have their own ordinances. While this language does not apply to the city of Wildomar since we have our own adopted ordinance, it does provide insight into the intent of the legislature and how the courts may respond to a lawsuit concerning the City’s requirements. According to Subsection (b)(1), a second dwelling unit request (within a jurisdiction that does not have its own ordinance) must be approved if the following criteria are met.

- The second unit is not intended for sale and may be rented.
- The lot must be zoned for single-family or multifamily use.
- The lot must contain an existing single-family dwelling.
- The second unit may be either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.

- The increased floor area of an attached second unit shall not exceed 30 percent of the existing living area. The total area of floorspace for a detached second unit shall not exceed 1,200 square feet.
- Requirements relating to height, setbacks, lot coverage, architectural review, site plan review, processing fees and charges, and other zoning requirements generally applicable to residential construction in the zone in which the property is located.
- The second unit must comply with local building code requirements which apply to other detached dwellings, as appropriate.
- Approval by the local health officer where a private sewage disposal system is being used, if required.

The City Attorney has provided a memo on the City’s ability to regulate second dwelling units. This memo is contained in Attachment A. The text of Government Code Section 656852.2 is contained in Attachment B. An evaluation of the minimum lot sizes and densities through the use of the density information contained in the General Plan is contained in Attachment E.

CURRENT ORDINANCE REQUIREMENTS:

Section 17.204.040 establishes the requirements for the standard second unit permits. The full text of this requirements associated with Standard Second Units are contained in Attachment C. The lot and second unit size information for the standard second units from the Zoning Ordinance is provided below.

Standard Second Unit Requirements			
Residential Zones	Minimum Lot Size for the Zone	Minimum Lot Size for a Second Unit	Size Range of Allowable Second Units
R-R Rural Residential	0.50 acre (≈ 21,780 sq. ft.)	1 acre	750 – 1,500 sq. ft.
R-A Residential Agricultural	20,000 sq. ft.		
A-1 Light Agriculture			
A-2 Heavy Agriculture			
R-1 One-Family Dwelling	7,200 sq. ft.	14,400 sq.ft.	750 – 1,200 sq. ft
R-2 Multiple-Family Dwelling			
R-3 General Residential			
R-4 Planned Residential			
R-6 Residential Incentive	5,000 sq. ft.		

The current code does require the provision of additional parking for the second unit and requires that the second unit comply with the other development standards that are applicable to all development in the zone district where the second unit is to be located. There are no substantial residential design standards that would realistically prevent a standard second dwelling unit from being placed on a residentially zoned property.

The current code does require the provision of additional parking for the second unit and requires that the second unit comply with the other development standards that are applicable to all development in the zone district where the second unit is to be located. There are no substantial residential design standards that would realistically prevent a senior citizen/hardship second dwelling unit.

Section 17.204.050 establishes the requirements for the standard second unit permits. The full text of this requirements associated with Standard Second Units are contained in Attachment D. Because this section was deleted by the County in October 2008 and staff believes that these requirements are not really implementable since it allows permanent second units with reduced requirements.

To provide an additional comparison, staff has provided the comparable ordinances for the Cities of Lake Elsinore, Murrieta, and Temecula. As indicated below, the other jurisdictions in the area generally on require that the minimum lot size for the zone be maintained. The minimum lot size and unit sizes are contained in Attachment E and summarized below.

City of Lake Elsinore

- Minimum Lot Size: No requirement, lot must be zoning ordinance minimum requirements.
- Maximum Unit Size: Detached – 50% of primary unit or 1,200 sq. ft, whichever is less
Attached - 30% of primary unit or 1,000 sq. ft, whichever is less
- Minimum Unit Size: 550 sq. ft for one or two bedroom (400 sq. ft for efficiency unit)

City of Murrieta

- Minimum Lot Size: No requirement, lot must be zoning ordinance minimum requirements.
- Maximum Unit Size: Detached – Not permitted.
Attached - 30% of primary unit or 1,000 sq. ft, whichever is less
- Minimum Unit Size: No requirement

City of Temecula

- Minimum Lot Size: No requirement, lot must be zoning ordinance minimum requirements.
- Maximum Unit Size: 1,200 sq. ft.
- Minimum Unit Size: 400 sq. ft.

CONCLUSION:

Based upon the information provided, staff is requesting that the Planning Commission provide direction to staff on whether or not any changes should be made to the existing ordinance. However, during the process of the Commission providing to direction on the scope and nature any amendments to the current code, there is two aspects of second units that the Planning Commission can not include into the ordinance. These are (1) any limitations on who can occupy or rent a second unit (i.e. limiting future occupants of the second unit to family members or relatives), and (2) adding a requirement for a public hearing or conditional use permit.

Subject to these limitations, staff would like to receive direction from the Planning Commission on the following subjects. Based upon the Commission's direction staff will prepare an ordinance for Planning Commission's consideration at an upcoming meeting.

1. Minimum Lot Size – The code currently requires twice the allowable lot size for a second dwelling unit. This provision ensures that the underlying General Plan density is maintained. Does the Commission want to allow any variations from this requirement? If so, when should smaller lots (i.e. a increased density) be allowed and how much of an increase or reduced lot size should be allowed?
2. Maximum Unit Sizes – The code currently restricts the maximum size of a second dwelling unit depending on the minimum lot size of the zone. Does the Commission want to reduce or expand the maximum allowable size?
3. Other Design requirements – The code currently requires that second units meet the underlying requirements of the zoning district. Does the Commission want to apply other design standard to second dwelling units?

ALTERNATIVES:

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

ATTACHMENTS:

- A. Memorandum from the City Attorney
- B. Government Code Section 65852.2
- C. Zoning Ordinance Provisions on Standard Second Units
- D. Zoning Ordinance Provisions on Senior Citizen and Hardship Second Units
- E. Other City Requirements
- F. General Plan Land Use Designation Densities

ATTACHMENT A

ATTACHMENT B

Section 65852.2.

- (a) (1) Any local agency may, by ordinance, provide for the creation of second-units in single-family and multifamily residential zones. The ordinance may do any of the following:
 - (A) Designate areas within the jurisdiction of the local agency where second units may be permitted. The designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of second units on traffic flow.
 - (B) Impose standards on second units that include, but are not limited to, parking, height, setback, lot coverage, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.
 - (C) Provide that second units do not exceed the allowable density for the lot upon which the second unit is located, and that second units are a residential use that is consistent with the existing general plan and zoning designation for the lot.
 - (2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.
 - (3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. Nothing in this paragraph may be construed to require a local government to adopt or amend an ordinance for the creation of second units. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001-02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of second units.
- (b) (1) When a local agency which has not adopted an ordinance governing second units in accordance with subdivision (a) or (c) receives its first application on or after July 1, 1983, for a permit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to this subdivision unless it adopts an ordinance in accordance with subdivision (a) or (c) within 120 days after receiving the application. Notwithstanding Section 65901 or 65906, every local agency shall grant a variance or special use permit for the creation of a second unit if the second unit complies with all of the following:
 - (A) The unit is not intended for sale and may be rented.
 - (B) The lot is zoned for single-family or multifamily use.

- (C) The lot contains an existing single-family dwelling.
 - (D) The second unit is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.
 - (E) The increased floor area of an attached second unit shall not exceed 30 percent of the existing living area.
 - (F) The total area of floorspace for a detached second unit shall not exceed 1,200 square feet.
 - (G) Requirements relating to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements generally applicable to residential construction in the zone in which the property is located.
 - (H) Local building code requirements which apply to detached dwellings, as appropriate.
 - (I) Approval by the local health officer where a private sewage disposal system is being used, if required.
- (2) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.
 - (3) This subdivision establishes the maximum standards that local agencies shall use to evaluate proposed second units on lots zoned for residential use which contain an existing single-family dwelling.

No additional standards, other than those provided in this subdivision or subdivision (a), shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant.

- (4) No changes in zoning ordinances or other ordinances or any changes in the general plan shall be required to implement this subdivision. Any local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of second units if these provisions are consistent with the limitations of this subdivision.
- (5) A second unit which conforms to the requirements of this subdivision shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use which is consistent with the existing general plan and zoning designations for the lot. The second units shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

- (c) No local agency shall adopt an ordinance which totally precludes second units within singlefamily or multifamily zoned areas unless the ordinance contains findings acknowledging that the ordinance may limit housing opportunities of the region and further contains findings that specific adverse impacts on the public health, safety, and welfare that would result from allowing second units within single-family and multifamily zoned areas justify adopting the ordinance.
- (d) A local agency may establish minimum and maximum unit size requirements for both attached and detached second units. No minimum or maximum size for a second unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings which does not permit at least an efficiency unit to be constructed in compliance with local development standards.
- (e) Parking requirements for second units shall not exceed one parking space per unit or per bedroom. Additional parking may be required provided that a finding is made that the additional parking requirements are directly related to the use of the second unit and are consistent with existing neighborhood standards applicable to existing dwellings. Off-street parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.
- (f) Fees charged for the construction of second units shall be determined in accordance with Chapter 5 (commencing with Section 66000).
- (g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of second units.
- (h) Local agencies shall submit a copy of the ordinances adopted pursuant to subdivision (a) or (c) to the Department of Housing and Community Development within 60 days after adoption.
- (i) As used in this section, the following terms mean:
 - (1) "Living area," means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.
 - (2) "Local agency" means a city, county, or city and county, whether general law or chartered.
 - (3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.
 - (4) "Second unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and

sanitation on the same parcel as the singlefamily dwelling is situated. A second unit also includes the following:

- (A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.
 - (B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.
- (j) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for second units.

ATTACHMENT C

17.204.040 STANDARD SECOND UNIT PERMITS.

A. Standards for Approval. No standard second unit permit shall be approved unless it complies with the following standards:

1. The proposed second unit must conform to all the requirements of the general plan for Riverside County.
2. The lot is zoned for a one-family dwelling as a permitted use; provided, however, that the lot must be fourteen thousand four hundred (14,400) square feet or greater in area and may not be part of a planned residential development (PRD) or the R-6 zone.
3. The lot contains an existing one-family detached unit, and either the existing unit or the proposed additional unit is, and will be, the dwelling unit of the owner-occupant.
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"
<p>* "Minimum lot size per zoning" refers to the minimum lot size required by the zoning designation for the parcel in question</p> <p>** "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.</p>	

5. Off-street parking spaces shall be required for the second unit in addition to any off-street parking requirements for the principal unit.
6. The second unit shall be used as a dwelling unit only, and no businesses or home occupations of any kind may be conducted from or in the second unit.
7. Second units shall be located at the rear or in the side portions of the lot and shall comply with all setbacks applicable to the lot. A second unit may be located in front of the principal unit only where the placement of the second unit at the rear or side portion of the lot would be impractical due to the location of the principle unit. In addition, approval shall require a specific finding that the placement of the second unit in the front of the lot is compatible with the neighborhood.
8. All of the development standards of the zone in which the lot is located, including but not limited to, parking, height, setbacks, lot coverage, architectural review and health requirements for water and sewerage shall be applicable to the second unit. An applicant shall also be required to provide verification from the appropriate water and sewerage district of available capacity.

9. Any second unit placed more than one hundred fifty (150) feet from a public right-of-way shall be required to provide all-weather access for emergency vehicles.
 10. Findings are made by the planning director that there is no adverse impact on the public health, safety or welfare.
- B. Conditions. Any standard second unit permit granted shall be subject to such conditions as are necessary to protect the health, safety and general welfare of the public. In addition, a permit shall be subject to the following conditions:
1. The second unit shall be used for family members or rental purposes only and may not be sold as a separate unit unless the lot is subdivided pursuant to all applicable laws and local ordinances.
 2. The life of the permit shall be unlimited provided the second unit is being used in compliance with the provisions of this chapter, as well as any conditions of approval imposed in connection with the permit, and that all construction permits and inspections which may be required pursuant to the provisions of Ordinance No. 457 have been obtained.

17.204.060 PROHIBITED AREAS.

Second units shall not be permitted in those areas of the county which have significant problems with regard to water availability or quality, sewage disposal or other public health or safety concerns. The prohibited areas include, but are not limited to, those areas where a development moratorium has been imposed, including a moratorium for water or sewer, whether imposed by the county or another public agency with the authority to impose a development moratorium.

ATTACHMENT D

17.204.050 SENIOR CITIZEN AND HARDSHIP SECOND UNIT PERMITS. [Deleted in October 2008]

A. Standard of Approval. No senior citizen/hardship exemption second unit permit shall be approved unless it complies with the following standards:

1. The proposed second unit must conform to all the requirements of the general plan for Riverside County.
2. The lot is zoned for a one-family dwelling as a permitted use; provided, however, that the lot must be seven thousand two hundred (7,200) square feet or greater in area and may not be part of a planned residential development (PRD) on the R-6 zone.
3. The second unit shall be used as a dwelling unit only and shall be intended for the sole occupancy of one or two adult persons who are sixty (60) years of age or over, or family members, or those persons with special disabilities or handicaps.
4. The proposed second unit meets the following zoning, lot size and unit size requirements:

Minimum Lot Size per Zoning*	Senior/Hardship Second Unit Permits**
7,200 sq. ft. to 19,999 sq. ft.	Maximum Lot Size: 7,200 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: 20,000 sq. ft. Minimum Unit Size: 750 square feet Maximum Unit Size: 1,200 square feet
2 acres and larger	See requirements for "standard" second unit permit.
<p>* "Minimum lot size per zoning" refers to the minimum lot size required by the zoning designation for the parcel in question</p> <p>** "Senior citizen hardship" second unit permits must specify that the second unit is to be used as a dwelling unit for the sole occupancy of one or two adult persons who are 60 years of age or over, or immediate family members, or those persons with special disabilities or handicaps. They cannot be rented out to others.</p>	

5. Off-street parking requirements, location of second units, development standards, access for emergency vehicles, necessary findings and the requirements that there be an existing one-family detached unit and that either the existing unit or the proposed additional unit is and will be the dwelling unit of the owner-occupant, shall be the same as for the standard second unit permit.

B. Conditions.

1. The second unit may not be sold as a separate unit unless the lot is subdivided pursuant to all applicable laws and local ordinances.
2. The life of the permit shall be unlimited provided the second unit is being used in compliance with the provisions of this chapter, as well as any conditions of approval imposed in connection with the permit, and that all construction permits and inspections which may be required pursuant to the provisions of Ordinance No. 457 have been obtained. Noncompliance with the conditions of approval and/or construction permits may result in the revocation of the second unit permit in accordance with Section 17.204.060.

17.204.060 PROHIBITED AREAS.

Second units shall not be permitted in those areas of the county which have significant problems with regard to water availability or quality, sewage disposal or other public health or safety concerns. The prohibited areas include, but are not limited to, those areas where a development moratorium has been imposed, including a moratorium for water or sewer, whether imposed by the county or another public agency with the authority to impose a development moratorium.

EXHIBIT E

CITY OF MURRIETA

16.44.160 Secondary Dwelling Units.

This section provides standards for the establishment of secondary dwelling units.

- A. Conditional Use Permit Required Before July 1, 2003.** Secondary dwelling units may be allowed in the zoning districts specified, subject to the approval of a conditional use permit and in compliance with this section provided that the application for the conditional use permit was received prior to July 1, 2003. For applications received on or after July 1, 2003, the application for a secondary dwelling unit shall be considered a ministerial action without discretionary review or a public hearing, notwithstanding any other requirements of state law or this development code. The permit applicant shall be the owner and resident of the main dwelling.
- B. Number of Secondary Units Allowed.** Only one secondary dwelling unit shall be allowed on a single-family parcel.
- C. Site Requirements.** A parcel proposed for a secondary dwelling unit shall comply with all the following requirements:

 - 1. The parcel shall have a minimum area of the underlying zoning district;
 - 2. The parcel shall be developed with only one existing owner occupied single-family detached main dwelling unit; and
 - 3. Either the principal or secondary living unit shall be the primary residence of the record owner of the property.
- D. Location of Secondary Unit.** A secondary dwelling unit shall be within or attached to the existing main dwelling unit.
- E. Design Standards.** A secondary dwelling unit shall:

 - 1. Have a floor area not exceeding thirty (30) percent of the existing living area of the main dwelling;
 - 2. Be architecturally compatible with the main dwelling unit. The second unit shall share a common wall with the main structure or be separated by a breezeway not to exceed five feet in width;
 - 3. Comply with height and setback requirements for the main dwelling; and
 - 4. Contain separate kitchen and bathroom facilities and have a separate entrance from the main dwelling.

F. Parking. The secondary dwelling unit shall be provided one covered off-street parking space, in addition to that required for the main dwelling unit, in compliance with Chapter 16.34 (Off-Street Parking and Loading Standards).

G. Required Findings for Approval. The following findings shall be made, in addition to those in Section 16.56.040 (Findings and Decision), to approve a development plan permit:

1. The secondary dwelling unit is compatible with the design of the main dwelling unit and the surrounding neighborhood in terms of scale, exterior treatment, height, setbacks and landscaping, and will not cause excessive noise, traffic, or other disturbances or result in adverse effects on public services and re-sources; and
2. The secondary dwelling unit will not contribute to a high concentration of these units sufficient to change the character of the surrounding neighborhood.

CITY OF LAKE ELSINORE

17.56.010 Purpose.

The intent of this chapter is to expand the mix of housing opportunities within the City by permitting the development of second units as an accessory use to existing single-family detached dwellings while providing criteria to assure they are maintained as a harmonious and integral aspect of the single-family neighborhood.

17.56.020 Definition.

For the purposes of this chapter, “second unit” means an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. A second unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation, on the same parcel as the single-family dwelling is situated. A second unit also includes an efficiency unit, as defined in Section 17958.1 of the California Health and Safety Code.

17.56.030 General provisions.

A single second unit shall be permitted subject to issuance of a permit pursuant to the provisions of this chapter on any residentially zoned parcel which meets the following standards:

- A. The lot is an existing legal subdivided lot which complies with the current minimum lot requirements for the zoning district.
- B. The lot contains only one existing single-family detached dwelling which complies with the current development standards for the zoning district or is found legally nonconforming.
- C. The lot contains no other second unit.
- D. The lot provides for sufficient parking to meet the current parking requirements for the existing single-family detached unit on the lot.
- E. The existing single-family unit shall be occupied by the record owner of the parcel.

17.56.040 Preinspection.

Prior to application for a second unit permit, an applicant shall request an inspection of the property by representatives of the Department of Community Development to determine the property’s compliance with the City’s building and zoning codes. The inspectors shall file a written report indicating compliance or, if the property and structures are not in compliance, the nature of any violations. The application for a permit for a second unit shall include a final report of the inspector stating that corrections have been completed prior to issuance of a permit for the second unit.

17.56.050 Application.

Following the required preinspection, the applicant shall submit a permit application for a second unit in accordance with submittal requirements on file with the Planning Division which shall include, but not be limited to, the following:

- A. Name and address of the applicant.
- B. Statement that the applicant is the owner and occupant of the property on which the second unit is proposed to be located.
- C. Address and legal description of the property (assessor's parcel number).
- D. Floor plans and a site plan, fully dimensioned, indicating the type, use and location of all rooms, buildings, structures, parking, and landscape areas of the existing single-family unit and the proposed second unit.
- E. Building elevation plans of sufficient detail to indicate the architectural style, type and color of materials of the existing single-family unit and type and color of materials to be employed for the proposed second unit.
- F. A restrictive covenant in such form as may be required by the City, signed by the record owner, which will be recorded against the property. The restrictive covenant shall require that at all times either the single-family unit or the second unit be owner-occupied and shall prohibit rental of both units at the same time. It shall further provide that the second unit shall not be sold, or title thereto transferred, separate and apart from the entire parcel. The restrictive covenant shall further require that the City be notified of the sale or transfer of the property upon the close of escrow or on or prior to the effective date of transfer if no escrow is used.
- G. A copy of the written report detailing the results of the preinspection.
- H. Payment of all applicable permit, development impact and other fees applicable to the construction and occupancy of the second unit.

17.56.060 Fee.

The request for preinspection and the application for a second unit permit shall be accompanied by a fee established by resolution of the City Council to cover all costs to the City.

17.56.070 Standards.

In determining whether or not a permit to construct a second dwelling unit should be issued, the Director of Community Development or his or her designee shall make the following findings:

- A. The permit application is complete and complies with the requirements of LEMC 17.56.050.

- B. Except as provided elsewhere in this chapter, the proposed second unit shall comply with all of the development standards for new single-family detached dwelling units as specified for the base zoning district in which it is located, including, but not limited to, setbacks, height limitations, and maximum lot coverage.
- C. The requirements of LEMC 17.56.030 shall be met.
- D. The requirements for a preinspection report pursuant to LEMC 17.56.040 shall be met.
- E. The following standards shall also apply:
 - 1. The total floor area of the second unit shall comply with the following:
 - a. The minimum total floor area shall be 400 square feet for an efficiency unit and 550 square feet for a one-bedroom or two-bedroom unit.
 - b. The maximum total floor area shall be as follows:
 - (1) Attached second units shall not exceed 30 percent of the main dwelling unit living area or 1,000 square feet, whichever is less; provided, that if the main dwelling unit is 1,334 square feet or less in size, one 400 square foot efficiency unit shall be permitted.
 - (2) Detached second units shall not exceed 50 percent of the existing main dwelling unit living area or 1,200 square feet, whichever is less.
 - c. The second unit shall contain no more than two bedrooms.
 - 2. The second unit shall conform to the following design standards:
 - a. The design, color, material, and texture of the roof shall be the same as the main dwelling unit;
 - b. The color, material and texture of all building walls shall be the same as the main dwelling unit; and
 - c. The architectural style of the second unit shall be the same as the main dwelling unit.
 - 3. One off-street enclosed parking space per bedroom in the second unit shall be provided in addition to that required for the existing single-family unit. This space shall not be located within the required setbacks or through tandem parking.
 - 4. There shall not be more than one exterior entrance on the front or on any street side of the building and no exterior stairway shall be located on the front of the building.

5. The main dwelling unit shall continue to comply with the minimum standards applicable to a single-family detached dwelling unit in the zoning district even with the development of a second unit, including but not limited to maximum lot coverage and minimum floor area criteria.

17.56.080 Compliance with General Plan.

A second unit which conforms to the standards of this chapter shall not be considered to exceed the allowable density for the lot upon which it is located and shall be deemed to be a residential use which is consistent with the existing General Plan and zoning designation for the lot.

17.56.090 Filing of annual statement.

On or before April 1st of each year after a second unit permit is issued pursuant to this chapter, the owner of the property shall file with the City a certificate of owner occupancy and compliance with covenants, in such form as is prescribed by the City.

CITY OF TEMECULA

Section 17.06.050.L

Secondary Dwelling Units. Secondary dwelling units are permitted in all residential zoning districts where there is an existing owner-occupied single-family detached dwelling. In accordance with state law, a secondary unit shall be considered a residential use and shall not be considered to exceed the allowable density for the lot upon which it is permitted. Secondary dwelling units shall comply with the following requirements:

1. A secondary dwelling unit shall have a floor area between four hundred and one thousand two hundred square feet.
2. The secondary dwelling shall be compatible with the design of the primary dwelling and the surrounding neighborhood in terms of height, bulk and mass, landscaping, and architectural materials.
3. The secondary dwelling unit shall be provided with off-street parking in accordance with the off-street parking standards in Chapter 17.24.
4. The application for the second unit permit must be signed by the owner of the parcel of land and the primary dwelling.
5. A secondary dwelling unit shall not be sold, but may be rented. A covenant shall be recorded in the Riverside County clerk's office against the title declaring that the property owner must occupy either the primary residence or the secondary dwelling unit.

EXHIBIT F

GENERAL PLAN SECOND DWELLING UNIT & LOT SIZE EVALUATIONS		
General Plan Residential Land Use Designation	Expected Lot Sizes¹	Minimum Lot Size Required for a Second Unit²
Estate Density Residential (0.5 dwellings per acre)	2.0 ac.	4.00
Very Low Density Residential (1.0 dwellings per acre)	1.0 ac.	2.00
Low Density Residential (2.0 dwellings per acre)	0.5 ac.	1.00
Medium Density Residential (2 to 5 dwellings per acre)	7,200 sq. ft. ³	14,400 sq. ft.
Medium-High Density Res. (5 to 8 dwellings per acre)	4,350 sq. ft.	8,700 sq.ft.
<p>Assumptions:</p> <ol style="list-style-type: none"> 1. Typical units per acre is translated into an equivalent minimum lot size. 2. The primary and second dwelling units combined do not exceed the General Plan density. 3. The standard minimum single family lot size is the expected net lot size (with street and other public area dedications). 		

CITY OF WILDOMAR – PLANNING COMMISSION
Agenda Item 6.2
GENERAL BUSINESS
Meeting Date: November 4, 2009

TO: Members of the Planning Commission

FROM: David Hogan, Planning Director

SUBJECT: Zoning Ordinance Modification – Trailer and Boat Storage, Mini Warehouses

RECOMMENDATION:

The Planning Department requests that the Planning Commission provide direction to staff on modifications to the zoning ordinance related to mini and recreational vehicle storage facilities.

BACKGROUND:

At the October 21, 2009 Planning Commission meeting members of the Commission expressed a concern about the number of mini storage and recreational vehicle being in located within the limited commercial and industrial areas of the City. The purpose of this staff report is to present information to the Planning Commission on the how recreational vehicle and mini storage facilities are addressed in the Zoning Ordinance.

The current zoning ordinance describes these types of uses as either trailer and boat storage or mini warehouse (or mini warehouse structures). Both land use types are allowed in the most common commercial and industrial zones, as well as the Rural Residential Zone (the countywide “holding zone”). To simplify the information, whether the use is permitted outright, permitted with a plot plan, or permitted with a conditional use permit is omitted from the following table since it is not relevant to the issue of prohibiting these uses. The approval mechanisms are summarized in Attachment A.

Zones		Trailer and Boat Storage	Mini Warehouse
Rural Residential	R-R	✓	-
General Commercial	C-1/C-P	✓	✓
Scenic Highway Commercial	C-P-S	✓	-
Manufacturing Service Commercial	M-SC	✓	✓
Industrial Park	I-P	-	✓
Manufacturing – Medium	M-M	✓	✓
Manufacturing – Heavy	M-H	✓	✓

In the process of preparing this staff report for the Commission, has staff discussed possible approaches with the City Attorney. Based upon these discussions, there appear to be two different approaches to addressing the immediate issue of too many recreational vehicle and mini-storage facilities.

Approach 1 – Prohibit new recreational vehicle and mini-storage businesses for an intermediate period. Staff believes that a period of two years would allow the City Council and Planning Commission an opportunity to better understand how future commercial and industrial development patterns will be affected by these uses.

Advantages - Temporarily restricts the establishment of addition recreational vehicle and mini-storage facilities while allowing the existing facilities to remain as allowable uses. A temporary prohibition of new uses allows the City time to better understand future commercial and industrial development needs.

Disadvantages - None.

Approach 2 – Amend the zoning ordinance to prohibit these land uses from some or all of the effected commercial and industrial zones.

Advantages - Does not require that this issue be re-examined in the future (though future planning commissions and city councils may choose to re-evaluate any prohibition action in the future).

Disadvantages - Would make all of the existing recreational vehicle and mini-storage businesses non-conforming uses which could adversely affect their ability to get financing, upgrade their facilities, and to expand or reconstruct their facilities.

There is one final issue related to any prohibition of these uses that would like the Commission to consider. This remaining is whether or not a future prohibition should apply to previously approved and unconstructed projects? It is possible that a future moratorium could prevent the City from approving any extensions of time. The practical effect of this would be that the project would expire at the end of the automatic two year period. Staff is aware of several approved recreational vehicle and mini-storage facilities that have not yet been constructed and concerned that this unintended consequence of the moratorium might be contrary to the intent of the Planning Commission. As a result, staff recommends that any future moratorium/prohibition not apply to the grading or building permits, and extensions of time, for previously approved but unconstructed projects since it does not seem fair to property owners who could not construct their projects because of problems within the current banking system. The exception would not prevent the Planning Commission from denying a request for an extension of time if local circumstances changed and the use was no longer appropriate. This exemption would not apply if an approved project has already been allowed to expire (by not filing a request for an extension of time).

Staff is also concerned that there may be recreational vehicle and mini-storage facilities that were established prior to incorporation without a permit. When these unpermitted businesses are identified and contacted by code enforcement, the current policy is to try to work with the owner/operator to bring these unpermitted activities into compliance with zoning requirements. A prohibition on new applications would mean that these facilities would have no option but to cease operation because there would be no way for the City to approve a permit to operate. Having reviewed the situation, there appear to be two options for addressing this potential concern. The first is to not allow these businesses to come into compliance with the code during the moratorium period, requiring them to cease operation.

The second option would be to exempt unpermitted recreational vehicle and mini-storage facilities (that were in full operation prior to incorporation) from the moratorium provisions. If the Planning Commission prefers the second option, staff would suggest that the exemption provision be conditional in that the owner/operator would be required to provide a full application to the City for processing within 60 to 90 days of the citation. A full application is defined as all of the required site, grading, and landscape plans, City-required technical studies, any off-site work permissions, and all application processing fees. In this way the City would be assured that the project owner/operator is serious about bringing their business into compliance.

If the Planning Commission is interested in prohibiting either permanently or temporarily these types of uses, staff recommends that the Commission provide the appropriate direction on the following questions:

1. Should the City prohibit the approval of new recreational vehicle and mini-storage facilities?
2. If these types of uses are prohibited, should the prohibition apply to all zones? Or only in commercial or residential zones?
3. Should any prohibition be temporary or permanent?
4. Should any future prohibition of these uses apply to previously approved, but un-constructed facilities (and potentially effect the City's ability to approve an extension of time)?
5. For un-permitted recreational vehicle and mini-storage facilities established prior to incorporation, should they uses be subject to this moratorium? This situation could apply when an unpermitted business is identified and code enforcement action is initiated against the property owner for a long-standing unpermitted facility.

ATTACHMENTS:

- A. Entitlement Process for Mini- and Recreational Vehicle Storage Facilities

ATTACHMENT A

Attachment A

ENTITLEMENT PROCESSES

Zones		Trailer and Boat Storage	Mini Warehouse
Rural Residential	R-R	CUP	-
General Commercial	C-1/C-P	PP	CUP
Scenic Highway Commercial	C-P-S	CUP	-
Manufacturing - Service Commercial	M-SC	P	P
Industrial Park	I-P	-	P
Manufacturing - Medium	M-M	P	P
Manufacturing - Heavy	M-H	P	P

- Not permitted (Not listed)

P Permitted by right

PP Permitted with a Plot Plan

CUP Permitted with a Conditional Use Permit