

CITY OF WILDOMAR CITY COUNCIL
AGENDA

6:00 P.M. – CLOSED SESSION
7:00 P.M. - REGULAR MEETING

NOVEMBER 10, 2010
Council Chambers
23873 Clinton Keith Road



Bridgette Moore, Mayor
Marsha Swanson, Mayor Pro Tem
Sheryl Ade, Council Member
Bob Cashman, Council Member
Scott Farnam, Council Member

City Manager
Frank Oviedo

City Attorney
Julie Hayward Biggs

WILDOMAR CITY COUNCIL REGULAR MEETING AGENDA November 10, 2010

ORDER OF BUSINESS: Public sessions of all regular meetings of the City Council begin at 7:00 P.M. Closed Sessions begin at 6:00 P.M. or such other time as noted.

REPORTS: All agenda items and reports are available for review at: Wildomar City Hall, 23873 Clinton Keith Road; Mission Trail Library, 34303 Mission Trail Blvd.; and on the City's website, www.cityofwildomar.org. Any writings or documents provided to a majority of the City Council 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.

PUBLIC COMMENTS: Prior to the business portion of the agenda, the City Council will receive public comments regarding any items or matters within the jurisdiction of the governing body. The Mayor will separately call for testimony at the time of each public hearing. If you wish to speak, please complete a "Public Comment Card" available at the Chamber door. The completed form is to be submitted to the City Clerk prior to an individual being heard. Lengthy testimony should be presented to the Council in writing (10 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 Council.

CONSENT CALENDAR: Consent Calendar items will be acted on by one roll call vote unless Council members, staff, or the public request the item be discussed and/or removed from the Consent Calendar for separate action.

PLEASE TURN ALL CELLULAR DEVICES TO VIBRATE OR OFF FOR THE DURATION OF THE MEETING. YOUR COOPERATION IS APPRECIATED.

CALL TO ORDER – CLOSED SESSION - 6:00 p.m.

ROLL CALL

The City Council will meet in closed session pursuant to the provisions of Government Code Section 54956.9(b) (1) to confer with its legal counsel regarding one matter of significant exposure to litigation that may result from the opening of a medical marijuana facility in the City of Wildomar.

The City Council will meet in closed session pursuant to the provisions of Government Code Section 54956.9 (c) to confer with its legal counsel regarding one matter of potential initiation of litigation.

ADJOURN CLOSED SESSION

CALL TO ORDER – REGULAR SESSION - 7:00 p.m.

ROLL CALL

MOMENT OF SILENCE

FLAG SALUTE

PRESENTATIONS

Proclamation - National Family Caregivers Month

Chief Jerry Hendershot – Cal Fire

Fire Department Monthly Update

Community Services Monthly Update

Library Update

Chamber Monthly Update

PUBLIC COMMENTS

This is the time for citizens to comment on issues not listed on the agenda. Under the provisions of the Brown Act, the City Council is prohibited from discussing or taking action on items not listed on the agenda. Each speaker is asked to fill out a "Public Comments Card" (located on the table by the Chamber door) and give the card to the City Clerk prior to the start of the meeting. Comments are limited to three (3) minutes per speaker. The Council encourages citizens to address them so that questions and/or concerns can be heard.

APPROVAL OF THE AGENDA AS PRESENTED

1.0 CONSENT CALENDAR

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

1.1 Reading of Ordinances

RECOMMENDATION: Approve the reading by title only of all ordinances.

1.2 Minutes – October 13, 2010

RECOMMENDATION: That the City Council approve the Minutes as submitted.

1.3 Warrant Registers

RECOMMENDATION: That the City Council approve the following Warrant Registers:

1. Dated October 28, 2010 in the amount of \$51,922.97; and
2. Dated November 4, 2010 in the amount of \$512,326.65.

1.4 National Flood Insurance Program Participation

RECOMMENDATION: That the City Council adopt a Resolution entitled:

RESOLUTION NO. 2010 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, DECLARING THE CITY'S INTENT TO PARTICIPATE IN THE NATIONAL FLOOD INSURANCE PROGRAM AND AUTHORIZING APPLICATION FOR PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM

1.5 Amendment to FY 2010-11 Budget and Capital Improvement Program for Sidewalk Safety Improvements to School Program (Phase 2)

RECOMMENDATION: That the City Council adopt a Resolution entitled:

RESOLUTION NO. 2010 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, AMENDING THE FISCAL YEAR 2010/11 BUDGET AND RELATED CAPITAL IMPROVEMENT PROGRAM TO REFLECT TWO GRANTS TOTALING \$560,250 FOR THE SIDEWALK SAFETY IMPROVEMENTS TO SCHOOL PROJECT (PHASE 2)

1.6 Offer of Dedication for a Storm Drain Easement and Quitclaim of Flood Control Easements to the County of Riverside Flood Control and Water Conservation District

RECOMMENDATION: That the City Council adopt a Resolutions entitled:

RESOLUTION NO. 2010 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE CERTIFICATES OF ACCEPTANCE FOR TWO STORM DRAIN EASEMENTS

And a Resolution entitled:

RESOLUTION NO. 2010 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE QUITCLAIMS OF TWO FLOOD CONTROL EASEMENTS TO THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

1.7 Planning Commission Vacancy

RECOMMENDATION: Staff recommends that the City Council:

1. Declare one vacancy on the Planning Commission (currently held by Ben Benoit), effective December 8, 2010; and
2. Direct the City Clerk to advertise the vacancy in accordance with the Government Code Section 54974.

2.0 PUBLIC HEARINGS

2.1 Change of Zone 7440 and Plot Plan 22249 (Project No. 08-0162 - Robles)

RECOMMENDATION: Staff recommends that the City Council:

1. Adopt a Resolution (Attachment A) entitled:

RESOLUTION NO. 2010 - _____
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION FOR CHANGE OF ZONE 7440 AND PLOT PLAN 22249 (WILDOMAR PROJECT NO. 08-0162 - ROBLES AUTOMOTIVE CENTER) LOCATED AT THE NORTHWEST CORNER OF PALOMAR STREET AND KILGORE LANE (ASSESSORS PARCEL NUMBER 380-140-004)

2. Introduce an Ordinance (Attachment B) entitled:

ORDINANCE NO. _____
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, APPROVING CHANGE OF ZONE 7440 (CITY PROJECT NO. 08-0162) TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF WILDOMAR FROM RURAL RESIDENTIAL (R-R) TO GENERAL COMMERCIAL (C-1/C-P) FOR A 2.28 ACRE SITE LOCATED AT THE NORTHWEST CORNER OF PALOMAR STREET AND KILGORE LANE (ASSESSOR'S PARCEL NO. 380-140-004)

3. Adopt a Resolution (Attachment C) entitled:

RESOLUTION NO. 2010 - _____
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, APPROVING PLOT PLAN 22249 (CITY PROJECT NO. 08-0162) FOR THE DEVELOPMENT OF A 17,288 SQUARE-FOOT MULTI-TENANT AUTOMOTIVE REPAIR/RETAIL CENTER (ROBLES AUTOMOTIVE CENTER) ON A 2.28 ACRE SITE LOCATED AT NORTHWEST CORNER OF PALOMAR STREET AND KILGORE LANE (ASSESSOR'S PARCEL NO. 380-140-004)

2.2 City Initiated Code Amendment to Revise Title 17, Section 17.200 Related to Conditional Use Permits

RECOMMENDATION: The Planning Commission recommends that the City Council introduce an Ordinance entitled:

ORDINANCE NO. _____
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR
AMENDING TITLE 17, SECTION 17.200 RELATED TO TIME LIMITS
AND EXTENSIONS FOR CONDITIONAL USE PERMITS (ZONING
CODE AMENDMENT 10-06)

3.0 GENERAL BUSINESS

3.1 Save Our Parks Update

RECOMMENDATION: Receive update report.

3.2 Clinton Keith Road/I-15 Interchange Improvements Project – Agreement with the County of Riverside

RECOMMENDATION: That the City Council adopt a Resolution entitled:

RESOLUTION NO. 2010-_____
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WILDOMAR, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO
EXECUTE AN AGREEMENT BETWEEN THE COUNTY OF RIVERSIDE
AND CITY OF WILDOMAR RELATED TO SERVICES AND ACTIVITIES
TO BE PERFORMED ON THE CLINTON KEITH ROAD/I-15
INTERCHANGE IMPROVEMENT PROJECT

3.3 2010 California Building Codes – Set Public Hearing

RECOMMENDATION: Staff recommends that the City Council:

1. Introduce an Ordinance entitled:

ORDINANCE NO. _____
AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF WILDOMAR, CALIFORNIA, AMENDING
CHAPTER 8.01 TO THE WILDOMAR MUNICIPAL CODE BY
ADOPTING THE 2010 EDITIONS OF THE CALIFORNIA
BUILDING CODE, CALIFORNIA RESIDENTIAL CODE,
CALIFORNIA GREEN BUILDING CODE, CALIFORNIA
PLUMBING CODE, CALIFORNIA MECHANICAL CODE,
CALIFORNIA ELECTRICAL CODE AND THE 1997 EDITION OF

THE UNIFORM HOUSING CODE AND RELATED MODEL
CODES WITH APPENDICES AND AMENDMENTS THERETO

2. Set the public hearing for December 8, 2010, at 7:00 p.m., or as soon thereafter, the public hearing to hear testimony in this matter.
- 3.4 **E-Verify Program**
RECOMMENDATION: Staff recommends that the City Council introduce an Ordinance entitled:

ORDINANCE NO. _____
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
WILDOMAR, CALIFORNIA, ADDING NEW CHAPTER 3.09 TO THE
WILDOMAR MUNICIPAL CODE PERTAINING TO THE E-VERIFY
PROGRAM

- 3.5 **Second Hand Smoke Ordinance Advisory Report**
RECOMMENDATION: Provide direction to Staff regarding an Ordinance for limiting exposure to tobacco and the effects of second hand smoke in the City of Wildomar.

CITY MANAGER REPORT

CITY ATTORNEY REPORT

COUNCIL COMMUNICATIONS

FUTURE AGENDA ITEMS

ADJOURNMENT

2010/11 City Council Regular Meeting Schedule

November 24	March 9	June 22	October 12
December 8	March 23	July 13	October 26
December 22	April 13	July 27	November 9
January 12	April 27	August 10	November 23
January 26	May 11	August 24	December 14
February 9	May 25	September 14	December 28
February 23	June 8	September 28	

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 that 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 City Clerk either in person or by phone at (951) 677-7751, no later than 10:00 A.M. on the day preceding the scheduled meeting.

POSTING STATEMENT: On November 5, 2010, by 5:00 p.m., a true and correct copy of this agenda was posted at the three designated posting locations:
Wildomar City Hall, 23873 Clinton Keith Road
U.S. Post Office, 21392 Palomar Street
Mission Trail Library, 34303 Mission Trail Blvd

**CITY OF WILDOMAR
CITY COUNCIL REGULAR COUNCIL MEETING MINUTES
OCTOBER 13, 2010**

CALL TO ORDER – REGULAR SESSION

The regular meeting of October 13, 2010, of the Wildomar City Council was called to order by Mayor Moore at 7:02 p.m.

City Council Roll Call showed the following Members in attendance: Mayor Moore, Mayor Pro Tem Swanson, Council Members Ade (in at 7:04 p.m.), Cashman, and Farnam. Members absent: None.

Staff in attendance: City Manager Oviedo, Assistant City Manager Nordquist, City Attorney Biggs, Public Works Director D’Zmura, Planning Director Bassi, Police Chief Fontneau, Fire Chief Beach, and City Clerk Lee.

A moment of silence was observed and the flag salute was led by Cub Scout Pack 332.

PRESENTATIONS

Mayor Moore presented a certificate to Cub Scout Braeden Dunn for his life-saving heroic efforts during an accident that happened to his brother.

The Wildomar Historical Society gave a presentation regarding the various events they are planning.

Fire Chief Beach presented the Ready, Set, Go Program.

Fire Chief Beach presented the Fire Department monthly update.

Community Services Director Willette presented the Community Services monthly update.

There was no Chamber monthly update.

PUBLIC COMMENTS

Susan Lane, resident, spoke regarding parks and the urgency to form the Blue Ribbon Committee now. The committee should be tasked with bringing forth a viable solution to the City Council within 30 days.

Marichel Diaz, EHS Boosters & Wildomar Awareness Race, presented the City with a check for \$300.00, which is what they collected from the race.

Gary Andre, resident, stated he has enjoyed being on the Planning Commission and thanked the City Council for the opportunity.

APPROVAL OF THE AGENDA AS PRESENTED

A MOTION was made by Council Member Farnam, seconded by Mayor Pro Tem Swanson, to approve the agenda as presented.

Roll call vote: Ayes – 5; Nays – 0. Motion carried.

1.0 CONSENT CALENDAR

City Clerk Lee requested that Item #1.3 be pulled from the Consent Calendar for separate consideration.

A MOTION was made by Mayor Pro Tem Swanson, seconded by Council Member Farnam to approve the Consent Calendar, excluding item #1.3.

Roll call vote: Ayes – 5; Nays – 0. Motion carried.

1.1 Reading of Ordinances

Approved the reading by title only of all ordinances.

1.2 Warrant Registers and Payroll Register

Approved:

1. Warrant Register dated September 23, 2010 in the amount of \$169,510.67;
2. Warrant Register dated September 30, 2010 in the amount of \$298,987.01;
3. Warrant Register dated October 7, 2010 in the amount of \$155,918.72; and
4. Payroll Register dated October 1, 2010 in the amount of \$18,343.66.

1.4 Substitution of Subdivision Agreement and Securities – Tract 31345 Canyon Village (D.R. Horton)

Approved the Agreement and authorized the City Manager to enter into the Subdivision Agreement for Tract 31353, Canyon Village.

1.5 Second Reading of Ordinance No. 53 - Personnel Rules

Adopted an Ordinance entitled:

ORDINANCE NO. 53
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
WILDOMAR, CALIFORNIA, AMENDING CHAPTER 2.06 OF THE
WILDOMAR MUNICIPAL CODE ESTABLISHING THE CITY OF
WILDOMAR PERSONNEL RULES

1.6 Southern California Association of Governments Economic Development Principles

Adopted a Resolution entitled:

RESOLUTION NO. 2010 - 49
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, IN SUPPORT OF "BUSINESS FRIENDLY PRICIPLES" AS
PART OF SCAG'S DEVELOPMENT OF A SOUTHERN CALIFORNIA
ECONOMIC GROWTH STRATEGY

1.7 Federal and State Funded Projects Signature Authorization

Adopted a Resolution entitled:

RESOLUTION NO. 2010 - 50
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, AUTHORIZING THE CITY MANAGER OR PUBLIC
WORKS DIRECTOR TO EXECUTE AGREEMENTS AND PROGRAM
SUPPLEMENT AGREEMENTS (AND RELATED AMENDMENTS) FOR
FEDERAL AND STATE FUNDED PROJECTS

ITEMS REMOVED FROM THE CONSENT CALENDAR

1.3 Planning Commission Vacancies

City Clerk Lee stated after speaking with the City Attorney the recommendation would need to be changed to read as follows:

- "1. Declare three vacancies on the Planning Commission, effective December 8, 2010 (seats currently held by Gary Andre, Ben Benoit, and Michael Kazmier); and
2. Direct the City Clerk to advertise the vacancies, in accordance with the Maddy Act, starting October 15, 2010, for a period of 30 calendar days (October 15 – November 15)."

City Attorney Biggs stated she feels the City Council should pull this item so that Staff can look at the Maddy Act to see what is required. She is concerned with the time line and feels Staff needs more time to research this item.

There was no action taken on item #1.3.

2.0 PUBLIC HEARINGS

No items are scheduled.

3.0 GENERAL BUSINESS

3.1 Request for County Services

City Clerk Lee presented the item.

City Attorney Biggs presented the Staff report.

A MOTION was made by Council Member Farnam, seconded by Council Member Ade to adopt a Resolution entitled:

RESOLUTION NO. 2010 - 51
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, REQUESTING THE COUNTY OF RIVERSIDE TO
PROVIDE CONTINUATION OF LAW ENFORCEMENT SERVICES
WITHOUT CHARGE UP TO THE DOLLAR VALUE OF REDUCED COSTS
TO THE COUNTY OF RIVERSIDE RESULTING FROM THE
INCORPORATION OF THE CITY OF WILDOMAR PURSUANT TO THE
PROVISIONS OF GOVERNMENT CODE SECTIONS 56815 AND 57384

Roll call vote: Ayes – 5; Nays – 0. Motion carried.

3.2 Southern California Association of Governments Compass Blueprint Grant Program – Old Town Wildomar

City Clerk Lee presented the item.

City Manager Oviedo presented the Staff report.

Gary Andre, resident, stated the City needs an Old Town Plan. He gave the City his plans that he drew up for this.

A MOTION was made by Council Member Farnam, seconded by Council Member Ade to adopt, as amended, a Resolution entitled:

RESOLUTION NO. 2010 - 52
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, PROVIDING FULL SUPPORT AND AUTHORIZING THE
CITY MANAGER TO SUBMIT AN APPLICATION FOR ASSISTANCE AS
PART OF THE SOUTHERN CALIFORNIA ASSOCIATION OF
GOVERNMENTS COMPASS BLUEPRINT PROGRAM FOR
IDENTIFYING AND DEVELOPING A VISION FOR THE CITY'S
HISTORIC AREAS

Council Member Cashman stated there needs to be another "Whereas" added in the Resolution regarding historic buildings.

Council Member Ade stated this is a very generic Resolution and is not the specifics of the Plan. However, if it can be added and not hold up the process, she doesn't mind.

City Manager Oviedo suggested the following language:

"Whereas, historic buildings exist and where there is an ability to integrate these into a larger plan, the City of Wildomar will include this in the program."

Roll call vote: Ayes – 5; Nays – 0. Motion carried.

3.3 Save Our Parks (SOP) Strategy

City Clerk Lee presented the item.

City Manager Oviedo presented the staff report.

Doug Lech, resident, stated he handed out some flyers on recycling, which could monetarily benefit this effort. It is important that this committee be formed immediately. The recycling bins could be put at all the parks and schools in Wildomar.

Gerald Hall, resident, suggested to contact the San Diego Padres organization and try to get an autograph signing party at the parks where

people would pay for the autographs.

Gary Andre, resident, stated there is a trail that connects at Marna O'Brien, so this does not just affect parks. He offered to help on the committee.

Kelly Smith, Canyon Lake business owner, stated they have been making bracelets for the Little League and suggested something like that for the parks effort. She also left a list of ideas that she and others have thought of to help with the SOP efforts.

Council Member Ade stated she feels if the Council wants the Blue Ribbon Committee, and task them with something, that is fine, but she would like to skip over them as she feels it is apparent that the City needs to have another election as soon as possible. It needs to be every parcel, and not like it was before. We need to go door to door to get the two-thirds vote needed. With every parcel, we should be able to get the money we need, but part of the money could develop the lower portion of the sports park on the east side.

Council Member Cashman stated if you don't get people involved early on in the process, it is hard to motivate them later. He would like to have the Blue Ribbon Committee and task them with: information for the pamphlets and brochures; how will the new park look like; getting ideas on how to do this. He feels 45 days is too long and they should come back to Council sooner with recommendations.

Council Member Ade stated it is clear what we have to do. She would like to hear input from people, but Council should make the decision to move forward and get going, unless there is an objection to a parcel tax.

Mayor Pro Tem Swanson stated 45 days is too long, make it 30. The Blue Ribbon Committee is very important as there is not just one way to fund the parks. We need to know the community is behind us, and how much they are willing to spend on this. We need a committee to rally the rest of the community on this. Passing a tax is going to be tough in these economic times.

Council Member Ade stated you are not going to know what the whole community wants to do in 30 days.

Mayor Pro Tem Swanson stated we have a good cross section of the community on this committee and she feels they can do it. We need the

community behind this and to put money into it because the City cannot spend money to promote this ballot measure.

Council Member Ade stated you will not know in 30 days how the community feels.

Mayor Pro Tem Swanson stated they will not make the decision, the Council will, but we need to know which way they feel we should go. These 30 days are very important.

Council Member Farnam stated no one is under the impression that it won't go on the ballot to be voted on, that's a given. However, out of this will be alternatives and possible cost saving ideas.

Council Member Ade stated she agrees, but the City has few options. We could do it the way it was done before and get legally challenged, or we do City-wide assessment. Are there any other options?

City Manager Oviedo stated yes, depending on the type of district the City will use. There could be several options.

Mayor Moore stated and that is what the Blue Ribbon Committee will discuss.

City Manager Oviedo stated the idea would be to have a consultant meet with the Committee to discuss the options associated with each type of district.

Council Member Ade stated so the City hires a consultant to walk the committee through the process so they can come back and tell us that.

Mayor Moore stated we have to get the community involved with this, and they want to be involved.

Council Member Ade stated she agrees but the Council needs to make this decision. She is ready to make the decision tonight, but if the City Council wants to take the 30 days, that is fine.

City Manager Oviedo stated the committee would initially be tasked with: what type of assessment to use; and what, if any, of the ideas given at the Town Hall meeting should the City use. They would come to the Council with their recommendations. Depending on the action of the Council, they could then be tasked with additional duties depending on what the Council

wants.

Discussion ensued regarding the timing.

It was the consensus of the City Council for Staff to:

1. Appoint all 15 people to the Blue Ribbon Committee; the Committee will meet before the City Council meeting of October 27, 2010
2. The Committee will report back to the City Council at the meeting of October 27, 2010
3. There can be no candidates for City Council, or seated Planning Commissioners on the committee
4. Staff to move forward with fund raising
5. Staff is directed to move forward with an RFP for the park options;
6. Staff to work with Supervisor Buster's office regarding funding assistance for the parks

Discussion ensued regarding cameras and trailers at the parks.

A MOTION was made by Council Member Farnam, seconded by Council Member Ade, to approve a save our parks strategy as outlined.

Roll call vote: Ayes – 5; Nays – 0. Motion carried.

CITY MANAGER REPORT

City Clerk Lee reported that October 18 is the last day to register to vote. Additionally, City Hall is an official vote by mail location where you can drop off your ballots in the ballot box in City Hall. This will run to November 1.

City Manager Oviedo stated the City has now received the official membership in the Economic Development Corporation Southwest California.

CITY ATTORNEY REPORT

There was no report.

COUNCIL COMMUNICATIONS

Council Member Cashman stated there was trash and debris dumped on a private dirt road near his house. No one knows who owns this road as the County never accepted it, and neither has the City, and the people who live on the road are saying they don't own it. Neighbors have offered to bag up the trash, but then who picks up the bags. He would like to see this issue brought to the Council as an action item.

Council Member Ade thanked Staff for being responsive to the City Council and especially for the Compass Blue Print Resolution. She also thanked the community for their concern for the parks.

Mayor Pro Tem Swanson stated she attended: the Cops for Kids which was a great event with the Sheriff's Department; Awareness Race; Student of the Month; Garage sale at the Farm; State of Riverside County address; Chili Cook off this weekend.

Mayor Moore stated RDA is taking applications for a position on the Board. She encouraged a Yes vote on Proposition 22. She attended: Eastvale Inauguration; Elks Lodge Dedication dinner; Principal for a Day at Donald Graham Elementary School; Chamber breakfast; Heroes in Education dinner; on the radio talking about Wildomar; Rotary Murder Mystery Dinner fundraiser for the VFW.

FUTURE AGENDA ITEMS

There were no items.

ADJOURNMENT

There being no further business, Mayor Moore declared the meeting adjourned at 8:47 p.m.

Respectfully submitted,

Debbie A. Lee, CMC
City Clerk

CITY OF WILDOMAR CITY COUNCIL
Agenda Item #1.3
CONSENT CALENDAR
Meeting Date: November 10, 2010

TO: Mayor and City Council Members
FROM: Gary Nordquist, Assistant City Manager
SUBJECT: Warrant Registers dated October 28 and November 4, 2010

STAFF REPORT

RECOMMENDATION:

That the City Council approve the following Warrant Registers:

1. Dated October 28, 2010 in the amount of \$51,922.97; and
2. Dated November 4, 2010 in the amount of \$512,326.65.

BACKGROUND:

The City of Wildomar requires that the City Council audit payments of demands and direct the City Manager to issue checks. The Warrant and Payroll Registers are submitted for approval.

FISCAL IMPACTS:

These Warrant and Payroll Registers will have a budgetary impact in the amount noted in the recommendation section of this report. These costs are included in the Fiscal Year 2010-11 Budget.

Submitted by:

Approved by:

Gary Nordquist
Assistant City Manager

Frank Oviedo
City Manager

Bank code :	wf			PO #			Amount
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount	
200064	10/28/2010	000044 A&A JANITORIAL SERVICES	1564		MARNA JANITORIAL SRVCS SEPT1	570.00	
			1577		JAN. SRVCS & SUPP OCT10	613.47	
					Total :	1,183.47	
200065	10/28/2010	000031 AFLAC, REMITTANCE PROCESSING, CE 213147			BENEFITS NOV2010	604.74	
					Total :	604.74	
200066	10/28/2010	000148 ALEXANDER, JAMES	9-15-10		REFUND-UNUSED PROJ FUNDS	526.85	
					Total :	526.85	
200067	10/28/2010	000007 ANIMAL FRIENDS OF THE VALLEY,, INC. SEP-10			ANIMAL SRVCS SEPT2010	7,500.00	
					Total :	7,500.00	
200068	10/28/2010	000149 COUNTY OF RIVERSIDE	1307		ERROR IN DEPOSIT	64.00	
					Total :	64.00	
200069	10/28/2010	000035 COUNTY OF RIVERSIDE, TLMA	TL-0000007493		SLF COSTS JUL2010	52.24	
			TL-0000007549		SLF COSTS AUG2010	151.02	
					Total :	203.26	
200070	10/28/2010	000027 DIRECTTV	1362761363		CTY HALL CABLE 10/12-11/11/10	83.99	
					Total :	83.99	
200071	10/28/2010	000022 EDISON	10-16-10		ELEC. SRVCS 8/17-10/13/10	6,793.26	
					Total :	6,793.26	
200072	10/28/2010	000077 EXEC-U-CARE	10-20-10		MEDICAL INS & FEES NOV10	677.08	
					Total :	677.08	
200073	10/28/2010	000024 GUARDIAN	10-19-10		DENT/VIS BENEFITS NOV10	1,211.05	
					Total :	1,211.05	
200074	10/28/2010	000042 PV MAINTENANCE, INC.	005-114		GAS TAX/PUB WRKS SRVCS SEPT-	27,169.03	
					Total :	27,169.03	
200075	10/28/2010	000053 REPUBLIC ITS	810398		TRAFF. SIGNAL MAINT AUG10	1,835.00	
			910397		TRAFF. SIGN. RESPONSE AUG10	632.50	

Bank code : wf

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
200075	10/28/2010	000053 REPUBLIC ITS	(Continued) 910398		TRAFF. SIGNAL MAINT SEP10	1,370.00
					Total :	3,837.50
200076	10/28/2010	000150 SCHADE, MIKE	10-05-10		REFUND-UNUSED PROJ FUNDS	2,068.74
					Total :	2,068.74
13 Vouchers for bank code : wf						51,922.97
13 Vouchers in this report						51,922.97

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
200077	11/4/2010	000033 AMERICAN FORENSIC NURSES	59024		BLOOD DRAW	389.32
			59080		BLOOD DRAW	82.16
					Total :	471.48
200078	11/4/2010	000009 BEN BENOIT	10-06-10		PLANN COMM MTNG 10/6/10	75.00
					Total :	75.00
200079	11/4/2010	000043 CHENG, MISTY V.	10-31-2010		ACCOUNTING SRVCS OCT10	8,500.00
					Total :	8,500.00
200080	11/4/2010	000175 CITY OF CANYON LAKE	10-21-10		STATE OF CITY ADDRESS	50.00
					Total :	50.00
200081	11/4/2010	000046 COUNTY OF RIVERSIDE, DEPT ENVIRO	10-04-10		ENV. HLTH SRVCS JUL-SEPT10	1,280.35
					Total :	1,280.35
200082	11/4/2010	000068 COUNTY OF RIVERSIDE, FIRE DEPARTM	230954		FIRE PROTECT SRVCS 7/1-9/30/10	460,041.81
					Total :	460,041.81
200083	11/4/2010	000002 CRYSTAL CLEAN MAINTENANCE	1109		CTY HALL-JANITORIAL SRVCS NOV	698.00
					Total :	698.00
200084	11/4/2010	000037 DATA TICKET, INC.	33256		CODE ENF-CITATION PRCCSSING SI	100.00
					Total :	100.00
200085	11/4/2010	000058 DEPARTMENT OF JUSTICE	817010		RC SHERIFF-BLOOD ALC. ANALYSI	35.00
					Total :	35.00
200086	11/4/2010	000012 ELSINORE VALLEY MUNICIPAL, WATER	4666508		HERITAGE WATER 9/16-10/14/10	824.48
			4666509		WINDSONG WATER 9/17-10/15/10	947.41
			4666510		MARNA WATER 9/16-10/14/10	65.56
			4666511		MARNA WATER 9/16-10/14/10	2,500.46
			4666512		CSA 103 WATER 9/17-10/15/10	99.17
			4666513		CSA 103 WATER 9/17-10/15/10	317.35
					Total :	4,754.43
200087	11/4/2010	000013 GARY ANDRE	10-06-10		PLANN COMM MTNG 10/6/10	75.00

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
Bank code : wf						
200087	11/4/2010	000013 GARY ANDRE	(Continued)			
200088	11/4/2010	000015 HARV DYKSTRA	10-06-10		PLANN COMM MTNG 10/6/10	75.00
					Total :	75.00
200089	11/4/2010	000065 KAZMIER, MICHAEL	10-06-10		PLANN COMM MTNG 10/6/10	75.00
					Total :	75.00
200090	11/4/2010	000079 LAN WAN ENTERPRISE	38656		CREATE EDEN ACCOUNT	300.00
			38691		MAINT. CONTRACT NOV2010	450.00
					Total :	750.00
200091	11/4/2010	000147 MARATHON REPROGRAPHICS	59333		FINANCE DEPT SUPPLIES	8.92
			59339		PLANNING DEPT SUPPLIES	206.63
					Total :	215.55
200092	11/4/2010	000178 MORALES, JANET	10-28-10	0000001	ACCOUNTING SRVCS 10/19-10/28/1	240.00
					Total :	240.00
200093	11/4/2010	000004 NAPLES PLAZA, LTD-OAK CREEK II, C/O	11-01-10		CITY HALL LEASE-NOV2010	10,114.56
					Total :	10,114.56
200094	11/4/2010	000177 PARRY, TROY C/O RENAISSANCE, REMI	21011		FIRE STATION SRVCS	1,500.00
					Total :	1,500.00
200095	11/4/2010	000026 PROTECTION RESCUE SECURITY, SER	10-306-F		SECURITY SRVCS 10/1-10/31/10	425.00
					Total :	425.00
200096	11/4/2010	000176 PSOMAS	69025		ASSESSMENT ENG. SERVICES	17,555.00
					Total :	17,555.00
200097	11/4/2010	000064 TYLER TECHNOLOGIES	37455		EDEN SYSTM/OPS TRAINING	300.00
					Total :	300.00
200098	11/4/2010	000006 WELLS FARGO PAYMENT REMITTANCE,	04212024		NON DEPT. COMMUNICATIONS	19.99
			09-15-10A		FINANCE OFFICE SUPPLIES	16.63
			09-20-10A		CITY HALL SUPPLIES	163.45
			09-20-10B		CITY HALL SUPPLIES	31.58

Bank code : wf

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
200098	11/4/2010	000006 WELLS FARGO PAYMENT REMITTANCE,	(Continued)			
	09-20-10C				CITY CLERK OFFICE SUPPLIES	17.44
	09-22-10				MEETING SUPPLIES	5.98
	09-22-10				MEETING SUPPLIES	110.76
	09-24-10				CERT TRAINING SUPPLIES	27.39
	09-25-10				CERT TRAINING SUPPLIES	10.86
	09-25-10				CERT TRAINING SUPPLIES	24.46
	09-25-10				CERT TRAINING SUPPLIES	4.99
	09-25-10				CERT TRAINING SUPPLIES	37.08
	09-28-10				CITY WEBSITE RENEWAL	27.34
	09-28-10A				OFFICE SUPPLIES	71.57
	09-28-10B				OFFICE SUPPLIES	15.53
	10-01-10				OFFICE SUPPLIES	209.95
	10-04-10				CITY CLERK SHIPPING SUPPLIES	10.70
	10-04-10				OFFICE SUPPLIES	91.30
	10-04-10				HEROES MEETING	78.00
	10-04-10				OFFICE SUPPLIES	19.99
	10-05-10				FIRE STATION EXPENSES	128.40
	10-05-10				NON DEPT. SUPPLIES	3.79
	10-08-10				SOP SUPPLIES	298.18
	10-13-10				SUPPLIES	115.60
	10-13-10				SOP SUPPLIES	272.64
	10-13-10				CERT SUPPLIES	740.93
	10-14-10				EMERGENCY SUPPLY KIT	209.85
	10-15-10				FIRE STATION EXPENSES	1,492.65
	10-18-10				FIRE STATION EXPENSES	45.00
	10-18-10				SOP SUPPLIES	15.20
	10-19-10A				PARK LOCKS	48.89
	10-19-10B				PARK KEYS	21.64
	2066				OFFICE SUPPLIES	51.12
	9622				CITY COUNCIL PLAQUES	111.59
	T41761				CITY COUNCIL SUPPLIES	445.00
					Total :	4,995.47

22 Vouchers for bank code : wf

Bank total : 512,326.65

22 Vouchers in this report

Total vouchers : 512,326.65

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #1.4
Consent Calendar
Meeting Date: November 10, 2010

TO: Mayor and Council Members

FROM: Steven Palmer, Development Services
Tim Dzmura, Public Works Director

SUBJECT: National Flood Insurance Program Participation

STAFF REPORT

RECOMMENDATION:

That the City Council adopt a Resolution entitled:

RESOLUTION NO. 2010-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, DECLARING THE CITY'S INTENT TO PARTICIPATE IN THE
NATIONAL FLOOD INSURANCE PROGRAM AND AUTHORIZING APPLICATION
FOR PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM

BACKGROUND:

The National Flood Insurance Program (NFIP) is a Federal program that enables property owners to purchase flood insurance. In order to purchase flood insurance, the property must be located within a jurisdiction that participates in the NFIP. According to the Federal Emergency Management Agency (FEMA), there are approximately 28 residents within the City that currently have flood insurance. When the City incorporated, FEMA continued flood insurance eligibility for City residents since the County of Riverside had participated in the NFIP. FEMA will no longer allow City residents to purchase or renew flood insurance policies unless the City of Wildomar participates in the NFIP.

In order to participate in the NFIP agencies are required to adopt a resolution declaring intent to participate in the NFIP, submit an application, and adopt a floodplain management ordinance that conforms to the State of California model floodplain management ordinance. The model ordinance includes regulations designed to ensure that new buildings and existing buildings that are being substantially modified are protected from flood damages. The City met the requirement to adopt a floodplain management ordinance that conforms to the model ordinance when it adopted the ordinances of the County of Riverside. The County of Riverside floodplain ordinance that the City adopted conformed to the State of California model. The City now needs to adopt a resolution declaring the City's intent to participate in the NFIP and submit an application.

FISCAL IMPACTS:

Since the City’s municipal code already includes the required flood protection regulations, the City will not incur any additional costs by applying to participate in the NFIP. If the City elects not to participate in the NFIP, then residents will not be able to purchase or renew flood insurance, and the City will not be eligible for federal grants, disaster assistance, or federal loans (including Federal Housing Administration and Veterans Affairs) in flood hazard areas.

ATTACHMENTS:

1. Application for Participation in the National Flood Insurance Program

Submitted by:

Approved by:

Tim D’zmura
Public Works Director

Frank Oviedo
City Manager

RESOLUTION NO. 2010 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, DECLARING THE CITY'S INTENT TO PARTICIPATE IN THE NATIONAL FLOOD INSURANCE PROGRAM AND AUTHORIZING APPLICATION FOR PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM

WHEREAS, certain areas of the City of Wildomar are subject to periodic flooding, mudslides (i.e., mudflows), or flood-related erosion, causing serious damages to properties within these areas; and

WHEREAS, relief is available in the form of federally sponsored flood insurance as authorized by the National Flood Insurance Act of 1968; and

WHEREAS, it is the intent of this City Council to require the recognition and evaluation of flood, mudslide (ie., mudflow), or flood-related erosion hazards in all official actions relating to land use in areas having these hazards; and

WHEREAS, this body has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Title 7, Chapter 4, Article 1, Section 65800 of the State of California Government Code and Chapter 8.80 of the City of Wildomar Municipal Code,

NOW THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED, in regular session assembled on November 10, 2010, that the Wildomar City Council does hereby:

1. Assures the Federal Insurance Administration that it will enact as necessary and maintain in force in those areas having flood, mudslide (i.e., mudflow), or flood related erosion hazards, adequate land use and control measures with effective enforcement provisions consistent with the Criteria set forth in Section 60 of the National Flood Insurance Program Regulations; and
2. Vests the Director of Public Works with the responsibility, authority, and means to:
 - (a) Assist the Administrator, at his request, in his delineation of the limits of the area having special flood, mudslide (i.e., mudflow), or flood-related erosion hazards.
 - (b) Provide such information as the Administrator may request concerning present uses and occupancy of the flood plain, mudslide (i.e., mudflow), or flood-related erosion areas.
 - (c) Cooperate with Federal, State, and local agencies and private firms which undertake to study, survey, map, and identify flood plain, mudslide (i.e., mudflow), or flood-related erosion areas, and cooperate with neighboring communities with respect to management of adjoining flood plain, mudslide (i.e.,

mudflow), and/or flood related erosion areas in order to present aggravation of existing hazards.

(d) Submit an annual report in writing to the Administrator on the progress made during the past year within the City of Wildomar in the development and implementation of floodplain management measures.

(d) Notify the Administrator in writing whenever the boundaries of the City of Wildomar have been modified by annexation, or the City of Wildomar has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area.

PASSED, APPROVED, AND ADOPTED this 10th day of November, 2010.

Bridgette Moore
Mayor

APPROVED AS TO FORM:

ATTEST:

Julie Hayward Biggs
City Attorney

Debbie A. Lee, CMC
City Clerk

**DEPARTMENT OF HOMELAND SECURITY
FEDERAL EMERGENCY MANAGEMENT AGENCY
APPLICATION FOR PARTICIPATION IN THE NATIONAL FLOOD
INSURANCE PROGRAM**

*O.M.B. NO. 1660-0004
Expires February 29, 2008*

PAPERWORK BURDEN DISCLOSURE NOTICE

Public reporting burden for this form is estimated to average 4 hours per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the needed data, and completing, reviewing, and submitting the form. You are not required to submit to this collection of information unless a valid OMB control number appears in the upper right corner of this form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing the burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, Paperwork Reduction Project (1660-0004). **Please, do not send your completed form to the address above.**

1. APPLICANT COMMUNITY NAME (City, town, etc.)	DATE
COUNTY, STATE	

2. COMMUNITY OFFICIAL - CHIEF EXECUTIVE OFFICER (CEO)	E-MAIL ADDRESS	TELEPHONE NO. (Include area code)
ADDRESS (Street or box no., city, state, zip code)		

3. PROGRAM COORDINATOR (Official, if different from above, with overall responsibility for implementing program)	E-MAIL ADDRESS	TELEPHONE NO. (Include area code)
ADDRESS (Street or box no., city, state, zip code)		

4. LOCATION OF COMMUNITY REPOSITORY FOR PUBLIC INSPECTION OF NFIP MAPS
ADDRESS

5. ESTIMATES FOR THOSE AREAS PRONE TO FLOOD AND/OR MUDSLIDE AS OF THE DATE OF THIS APPLICATION

AREA IN ACRES	POPULATION	NO. OF 1-4 FAMILY STRUCTURES	NO. OF ALL OTHER STRUCTURES

6. ESTIMATES OF TOTALS IN ENTIRE COMMUNITY

	POPULATION	NO. OF 1-4 FAMILY STRUCTURES	NO. OF ALL OTHER STRUCTURES

7. FOR FEMA REGIONAL OFFICE USE ONLY

1. FEMA REGIONAL OFFICE	2. NAME OF CONTACT	3. TELEPHONE NO.
4. LEVEL OF 44 CFR 60.3 REGULATION ADOPTED (Check one) <input type="checkbox"/> 60.3(a) <input type="checkbox"/> 60.3(b) <input type="checkbox"/> 60.3(c) <input type="checkbox"/> 60.3(d) <input type="checkbox"/> 60.3(e)		5. CHECK APPROPRIATE BOX: <input type="checkbox"/> EMERGENCY PHASE <input type="checkbox"/> REGULAR PHASE

IF REGULAR PROGRAM, SPECIFY FIRM INDEX DATE. IF USING ANOTHER COMMUNITY'S FIRM, GIVE COMMUNITY NAME, CID, FIRM INDEX DATE AND MAP PANEL NUMBER DEPICTING COMMUNITY.

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #1.5
CONSENT CALENDAR
Meeting Date: November 10, 2010

TO: Mayor and City Council Members
FROM: Tim D'Zmura, Public Works Director
SUBJECT: Sidewalk Safety Improvements to School Project (Phase 2)

STAFF REPORT

RECOMMENDATION:

That the City Council adopt a Resolution entitled:

RESOLUTION NO. 2010 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, AMENDING THE FISCAL YEAR 2010/11 BUDGET AND RELATED
CAPITAL IMPROVEMENT PROGRAM TO REFLECT TWO GRANTS TOTALING
\$560,250 FOR THE SIDEWALK SAFETY IMPROVEMENTS TO SCHOOL PROJECT
(PHASE 2)

BACKGROUND:

Last year, the City of Wildomar successfully secured two grants for Sidewalk Improvements (Phase I). The grants were from the Caltrans Safe Routes to School Program and the Riverside County Transportation Commission SB 821 program which provided approximately \$590,000 for this project. Sidewalks improvements to be funded by the grant include Central Street (from Palomar St to Grand Avenue), Palomar (from Central State to South Pasadena), Illinois (from Central St to Penrose), and George Road (from La Estrella/Boylan Springs to Doheney Circle). The City staff is preparing construction documents which will go out to bid shortly for sidewalk improvements at Central, Palomar, and Illinois. Right-of-way work is underway for the George Road sidewalk improvement and this improvement will be constructed separately after right-of-way is secured.

These same grant opportunities for sidewalk improvements were available earlier this year in another grant cycle. To take advantage of the funding opportunity again, City staff surveyed the City for candidate projects and reviewed concerns raised by residents related to the lack of sidewalks. At various locations, staff observed unlevel shoulders and unpaved areas that were not ideal for walking and raised some concern in rainy conditions. In the absence of sidewalks or gaps between sidewalks, there is increased pedestrian and motorist interaction.

Because one grant in particular emphasized safe access to schools, staff narrowed down project options that emphasized safety for parents and school children walking to schools.

The proposed project will construct new curb, gutter and sidewalks within the proximity of Elsinore High School and Ronald Reagan Elementary School. The safety improvements also include a mobile radar speed feedback trailer placed on these road corridors to assist in speed reduction. The specific locations for the curb, gutter and sidewalks improvements are described Table 1.

Table 1. Sidewalk Accessibility to Schools Project

Sidewalk Locations	School Impacted & Proximity	Scope of Project
1) Bundy Canyon Road – Orange to Almond Street	Elsinore High School - within 1,000 feet	600 feet curb, gutter and sidewalk
2) Canyon Drive – Mission Trail to Orchard Street	Elsinore High School - within 1,000 feet	760 feet curb, gutter and sidewalk
3) Prielipp Road – Kevin Road to Inland Valley Drive	Ronald Reagan ES – within 2,700 feet	255 feet curb, gutter and sidewalk
TOTAL		1,615 feet

Note: The lineal feet are approximations only. Adjustments to sidewalk length may be refined during engineering design.

The benefits of the project were recognized by Caltrans in its Safe Routes to School Grant Program and the Riverside County Transportation Commission in its SB 821 Bicycle and Pedestrian Facilities Program. The specific background on the two programs and awards amounts are as follows:

- **Caltrans Safe Routes to School Program:** The California Department of Transportation (Caltrans) administers the Safe Routes to School (SR2S) Program to facilitate a safer pedestrian/bike environment for children in grades K-12 who walk and bicycle to school. California was the first state in the country to legislate its own Safe Routes to School program with dedicated funding (from the State Highway Account) in 1999. This program encourages more children to walk and bicycle to school, resulting in healthier children, improved air quality, reduced fuel consumption and greenhouse gas emissions, and less traffic congestion near schools. **Amount awarded to the City of Wildomar: \$275,000**
- **SB 821 Bicycle and Pedestrian Facilities Funding Program:** Each year, 2% of the Local Transportation Fund (LTF) revenue is made available for use on bicycle and pedestrian facility projects through the Riverside Transportation Commission’s SB 821 Bicycle and Pedestrian Facilities Program. This is a discretionary program administered by the Commission. **Amount awarded to the City of Wildomar: \$285,250**

DISCUSSION:

The Sidewalk Safety Improvement Project will cost approximately \$560,250. It is a new project to the City’s Capital Improvement Program (CIP) and requires an amendment to

the CIP. To reflect the two grant funds, it also necessitates a Fiscal Year 2010/11 budget amendment.

The project expenditures and revenue summary are provided in the Tables 2 and 3 below.

Table 2: Sidewalk Project Expenditures

Project Expenditures	FY 2010/11
Preliminary Engineering/Environmental	\$ 84,000
Right-of-Way Acquisition	\$ 30,000
Construction	\$ 446,250
Total	\$ 560,250

The grants each required a local match and the City staff strategized to apply for both grants concurrently in the hopes that if both were secured, each grant would act as the necessary “local match” requirement for the other. (If only one grant was secured, the City would then utilize gas tax of Measure A funds if decided by Council as a local match.) However, the prospect of receiving both grants for the single project was realized, and as a result, the City can deliver the Sidewalk Project without additional investment of local revenue sources.

Table 3: Funding Sources to be amended into FY 2010/11 budget

Funding Sources	Amount
Caltrans Safe Routes to School	\$275,000
SB 821 Bike/Ped Program	\$285,250
Total	\$560,250

FISCAL IMPACTS:

The proposed \$560,250 increase of the Capital Improvement Program for Fiscal Year 2010/11 will reflect the sum acquisition of the \$275,000 from the Caltrans Safe Routes to School Program and \$285,250 from the RCTC SB 821 Bicycle and Pedestrian Facilities Program. The grants will fund the total expenditures of the Wildomar Sidewalk Improvements to School Project.

There is no fiscal impact to the City’s General Fund.

Submitted by:

Approved by:

 Tim D’Zmura
 Public Works Director

 Frank Oviedo
 City Manager

ATTACHMENTS:

1. Resolution No. 2010 - _____
2. Map and Photo Exhibits of Project Locations

RESOLUTION NO. 2010 - _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, AMENDING THE FISCAL YEAR 2010/11 BUDGET AND RELATED
CAPITAL IMPROVEMENT PROGRAM TO REFLECT TWO GRANTS TOTALING
\$560,250 FOR THE SIDEWALK SAFETY IMPROVEMENTS TO SCHOOL PROJECT
(PHASE 2)**

WHEREAS, The City of Wildomar's Sidewalk Safety Improvements Project Phase 2 (Project) is proposed to construct sidewalks to provide safe and convenient access for parents and school children walking or bicycling to school, as well as improve pedestrian access to city residents; and

WHEREAS, the City of Wildomar ("City") secured two grants for the Project totaling \$560,250; and

WHEREAS, the Riverside Transportation Commission (RCTC) administers the SB 821 Bicycle and Pedestrian Facilities Funding Program to enhance pedestrian/bicyclist safety and mobility. In this program, RCTC has awarded to the City \$285,250; and

WHEREAS, the California Department of Transportation (Caltrans) administers the Safe Routes to School (SR2S) Program to facilitate a safer pedestrian/bike environment for children in grades K-12 who walk and bicycle to school. In this program, Caltrans has awarded to the City \$275,000; and

WHEREAS, the Project grant funding necessitates an amendment to the Fiscal Year 2010/11 budget and related Capital Improvement Program to reflect revenues and cost expenditures for the Project, totaling \$560,250.

NOW, THEREFORE, the City Council of Wildomar does resolve as follows:

1. The City Council approves an amendment to the Fiscal Year 2010/11 budget to reflect a total of \$560,250 from two secured grants for the Sidewalk Safety Improvements Project (Phase 2). The budget is approved to identify \$275,000 from Caltrans Safe Routes to School Program and \$285,250 from RCTC SB 821 Bicycle and Pedestrian Facilities Program.
2. The City Council approves the related amendment to the Capital Improvement Program to reflect project costs and revenue sources.

PASSED, APPROVED, AND ADOPTED this 10th day of November, 2010.

Bridgette Moore
Mayor

APPROVED AS TO FORM:

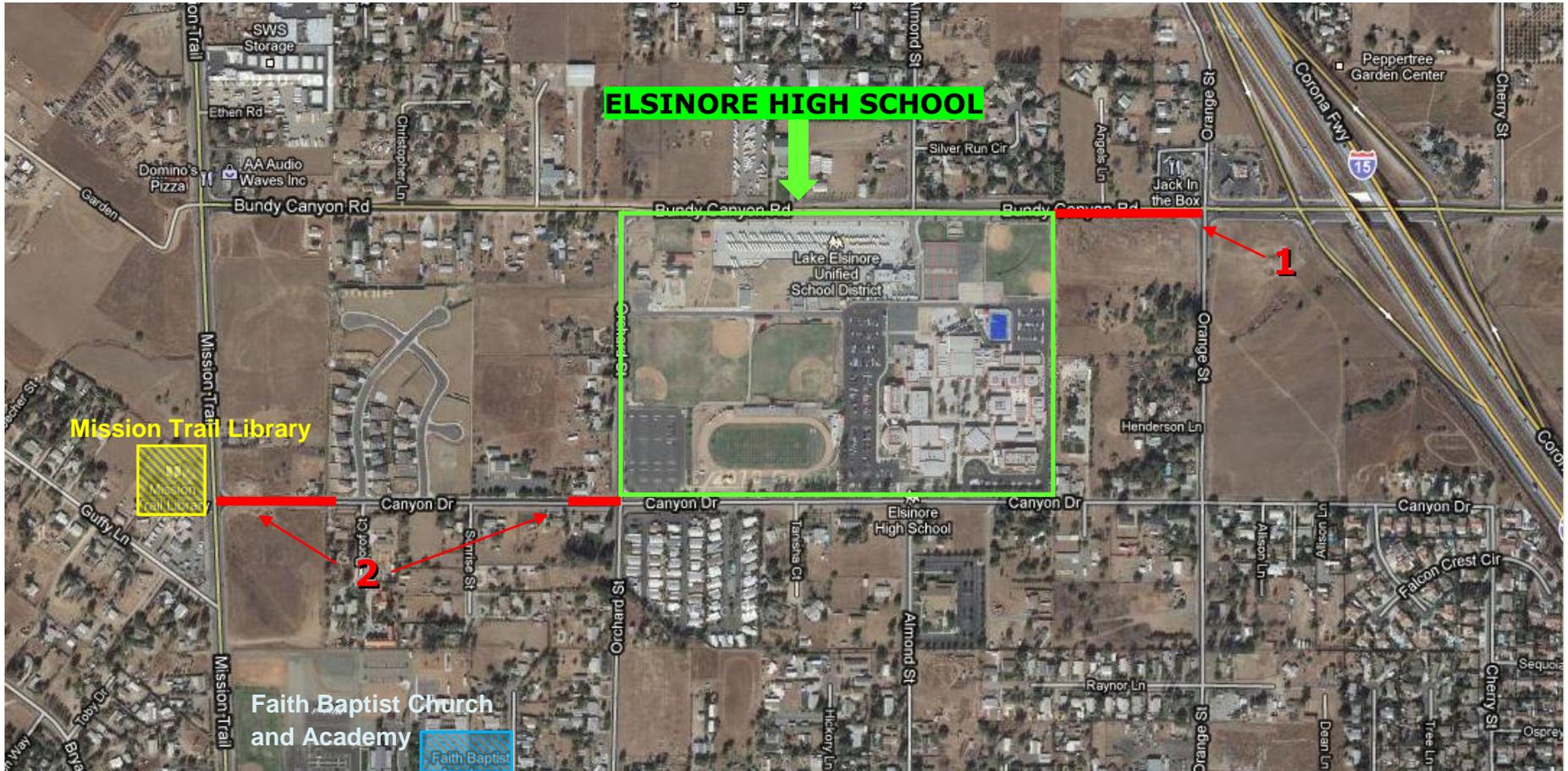
ATTEST:

Julie Hayward Biggs
City Attorney

Debbie A. Lee, CMC
City Clerk

Proximity Map

Sidewalk Improvements Near Elsinore High School



Sidewalk Locations	Nearest Activity Centers	Scope of Project
1) Bundy Canyon Rd. – Orange to Almond	Elsinore High School, Lake Elsinore Unified	600 feet curb, gutter and sidewalk
2) Canyon Dr. – Mission Trail to Orchard	Elsinore High School, Mission Trail Library, Church	760 feet curb, gutter and sidewalk
TOTAL		1,360 feet

Proximity Map

Sidewalk Improvements Near Ronald Reagan Elementary School



Sidewalk Locations	Nearest Activity Centers	Scope of Project
3) Prielipp Rd – Inland Valley to Kevin Rd.	Reagan ES, Medical Centers, City Hall, Park	255 feet curb, gutter and sidewalk
	TOTAL	255 feet

Photo Exhibit – Site #1 Bundy Canyon Rd. Orange to Almond St.

Improvement Site #1:

Proposed 600 feet of sidewalk improvements on Bundy Canyon Rd. from Orange to Almond St. (identified by the number 1 on map).

This benefits the back entrance of Elsinore High School.



View west from Elsinore High School towards Orange Street of existing sidewalks and area of proposed sidewalk.



A view looking west at Orange St/Bundy Canyon Rd. Elsinore High School students are walking on the roadway due to no sidewalks on either side of the street.



View east towards Almond of existing sidewalks and area of proposed sidewalk towards Elsinore High School.

Photo Exhibit – Site #2 Canyon Dr. from Mission Trail to Orchard St.

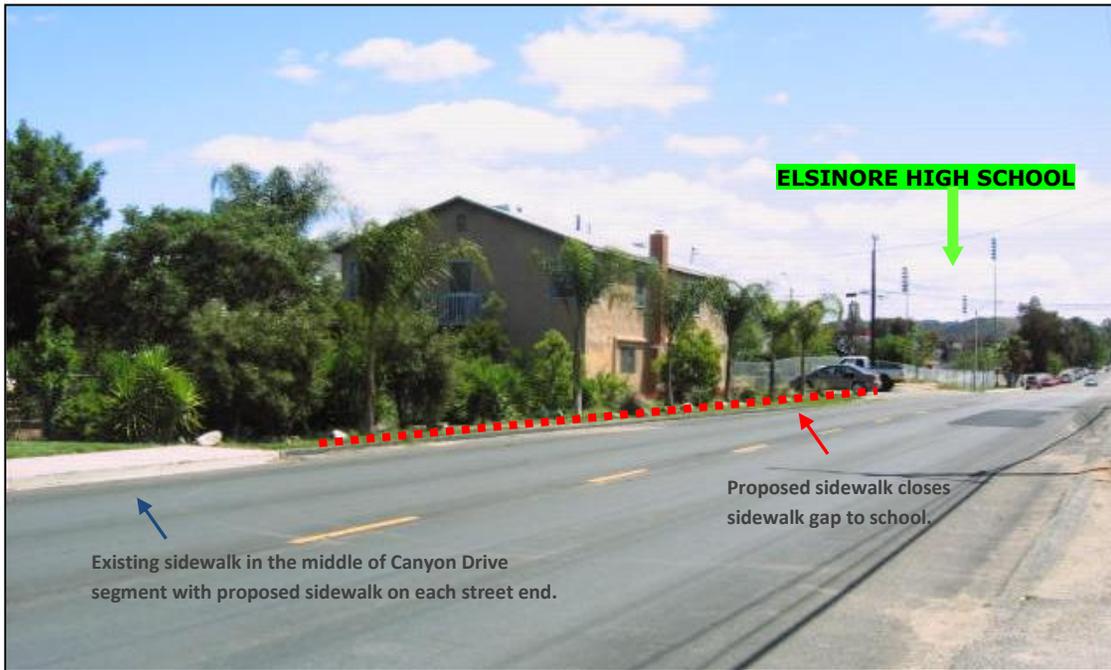
Improvement Site #2:

Proposed 765 feet of sidewalk improvements on Bundy Canyon Dr. from Mission Trail to Orchard St. (identified by the number 2 on map).

This benefits the front entrance to Elsinore High School and Mission Trail Library.



View west from Elsinore High School down Canyon Drive to the Mission Trail Library.



A wide view of Elsinore High School and proposed improvements on Canyon Drive. There are no sidewalks on the other side of the street.



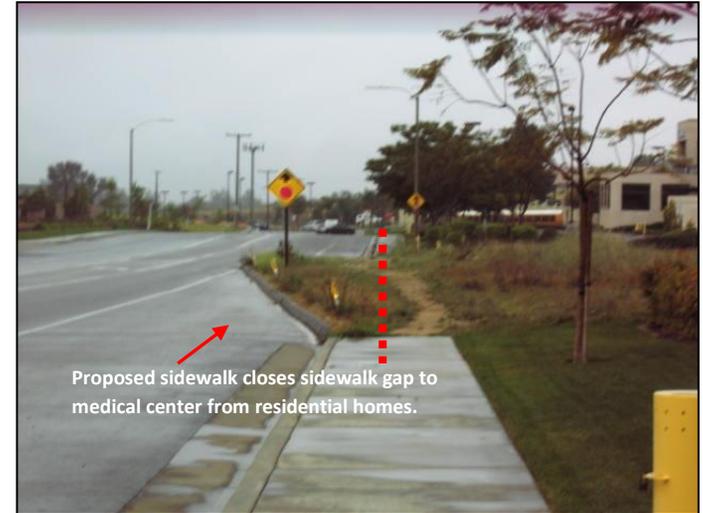
View east to Elsinore High School and proposed sidewalk to complete sidewalks on Canyon Drive.

Photo Exhibit – Site #3 Prielipp Rd. from Kevin Rd. to Inland Valley Dr.

Improvement Site #3:

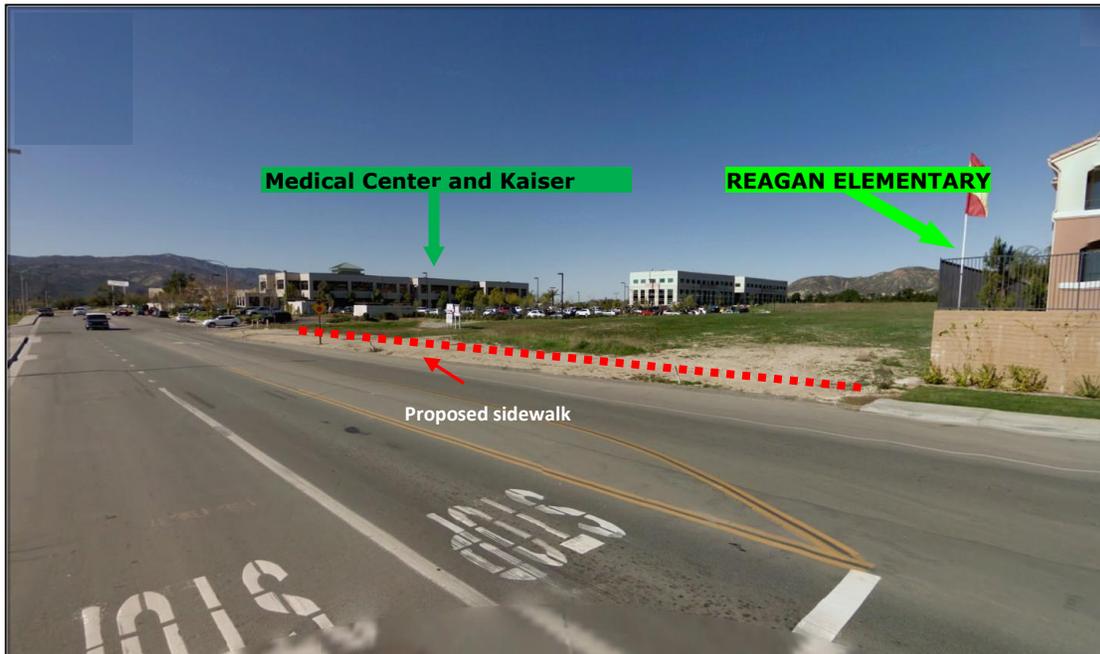
Proposed 255 feet of sidewalk improvements on Prielipp Rd. from Kevin Road to Inland Valley Dr. (identified by the number 3 on map).

This benefits the route to Reagan Elementary School from the residential areas on Prielipp Road.



Proposed sidewalk closes sidewalk gap to medical center from residential homes.

View west from residential homes at Inland Valley Dr. of existing sidewalks and area of proposed sidewalk.



Proposed sidewalk closes sidewalk gap to school.

A close view looking west at the end of the existing sidewalk. Sidewalk improvements will close the current pedestrian infrastructure gap.

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #1.6
Consent Calendar
Meeting Date: November 10, 2010

TO: Mayor and City Council Members

FROM: Steven Palmer, Development Services
Tim Dzmura, Public Works Director

SUBJECT: Offer of Dedication for a Storm Drain Easement and Quitclaim of Flood Control Easements to the County of Riverside Flood Control and Water Conservation District

STAFF REPORT

RECOMMENDATION:

That the City Council adopt a Resolution entitled:

RESOLUTION NO. 2010-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE CERTIFICATES
OF ACCEPTANCE FOR TWO STORM DRAIN EASEMENTS

And a Resolution entitled:

RESOLUTION NO. 2010-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE QUITCLAIMS OF
TWO FLOOD CONTROL EASEMENTS TO THE RIVERSIDE COUNTY FLOOD
CONTROL AND WATER CONSERVATION DISTRICT

BACKGROUND:

As part of the development of Tract 30297 (see attached Site Location Map), the developer, DR Horton, was required to construct storm drain improvements to be operated and maintained by the Riverside County Flood Control and Water Conservation District (RCFCWCD). The developer has completed the improvements, known as the Wildomar-Pumice Lane Storm Drain, and RCFCWCD has requested that the City accept the two easements and quitclaim them to RCFCWCD. This will allow RCFCWCD to accept the Wildomar-Pumice Lane Storm Drain for operation and maintenance.

The first storm drain easement that the City needs to accept and quitclaim to RCFCWCD is an Irrevocable Offer of Dedication (IOD) from Anna and Robert Whitlock to the County of Riverside (Document Number 2006-0174708). The second storm drain easement that the City needs to accept and quitclaim to RCFCWCD is a dedication on

the project's final map (Map Book 400, Pages 19-35). The County of Riverside did not accept this dedication of storm drain easement at the time of map recordation. Since the City of Wildomar has incorporated, RCFCWCD has asked the City to accept these dedications and quitclaim them to RCFCWCD. According to California Government Code Sections 66477.2 and 7050, these offers of dedication can be accepted by the City by resolution at any later date, and the acceptance shall be recorded in the office of the county recorder.

FISCAL IMPACTS:

The City will not incur any additional costs by accepting and quitclaiming these easements to RCFCWCD. DR Horton is responsible for the cost to prepare and record these documents, and RCFCWCD is accepting responsibility for operation and maintenance of the storm drain facilities.

Submitted by:

Approved by:

Tim D'zmura
Development Services

Frank Oviedo
City Manager

ATTACHMENTS:

1. Site Location Map
2. Certificate of Acceptance for Irrevocable Offer of Dedication from Anna and Robert Whitlock
3. Certificate of Acceptance for Dedication of Storm Drain Easement from DR Horton
4. Quitclaim of Storm Drain Easement from Anna and Robert Whitlock
5. Quitclaim of Storm Drain Easement from DR Horton

RESOLUTION NO. 2010 - _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE CERTIFICATES
OF ACCEPTANCE FOR TWO STORM DRAIN EASEMENTS**

WHEREAS, as part of the development of Tract 30297, DR Horton is required to construct storm drain improvements to be operated and maintained by the Riverside County Flood Control and Water Conservation District (RCFCWCD); and

WHEREAS, Anna and Robert Whitlock executed an Irrevocable Offer of Dedication (IOD) for a storm drain easement to the County of Riverside; and

WHEREAS, DR Horton offered a storm drain easement to the County of Riverside on the final map for Tract No. 30297; and

WHEREAS, the County of Riverside did not accept the storm drain easement on lot 147 from DR Horton with recordation of the final map for Tract No. 30297; and

WHEREAS, Government Code Sections 7050 and 66477.2 allow the City of Wildomar to accept the IOD and the offer of dedication at later dates; and

WHEREAS, DR Horton has completed the required storm drain improvements and RCFCWCD has requested that the City accept two easements and quitclaim them to RCFCWCD.

NOW THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Wildomar City Council, in regular session assembled on November 10, 2010, that the previous rejection of the storm drain easement on Lot 147 of Tract No. 30297 is rescinded, and the City Manager execute and record certificates of acceptance for storm drain easements from Anna and Robert Whitlock and DR Horton.

PASSED, APPROVED, AND ADOPTED this 10th day of November, 2010.

Bridgette Moore
Mayor

APPROVED AS TO FORM:

ATTEST:

Julie Hayward Biggs
City Attorney

Debbie A. Lee, CMC
City Clerk

RESOLUTION NO. 2010 - _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE QUITCLAIMS OF
TWO FLOOD CONTROL EASEMENTS TO THE RIVERSIDE COUNTY FLOOD
CONTROL AND WATER CONSERVATION DISTRICT**

WHEREAS, as part of the development of Tract 30297, DR Horton is required to construct storm drain improvements to be operated and maintained by the Riverside County Flood Control and Water Conservation District (RCFCWCD); and

WHEREAS, on November 10, 2010, the City Council authorized the City Manager to execute and record a certificate accepting an Irrevocable Offer of Dedication (IOD) for a storm drain easement from Anna and Robert Whitlock; and

WHEREAS, on November 10, 2010, the City Council authorized the City Manager to execute and record a certificate accepting a storm drain easement offered on the final map for Tract No. 30297 from DR Horton; and

WHEREAS, DR Horton has completed the required storm drain improvements and RCFCWCD has requested that the City accept two easements and quitclaim them to RCFCWCD.

NOW THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Wildomar City Council, in regular session assembled on November 10, 2010, that the City Manager execute quitclaim deeds to the RCFCWCD for storm drain easements from Anna and Robert Whitlock and DR Horton.

PASSED, APPROVED, AND ADOPTED this 10th day of November, 2010.

Bridgette Moore
Mayor

APPROVED AS TO FORM:

ATTEST:

Julie Hayward Biggs
City Attorney

Debbie A. Lee, CMC
City Clerk

Recorded at request of, and return to:
City of Wildomar
23873 Clinton Keith Road
Suite 201
Wildomar, California 92595

NO FEE (GOV. CODE 6103)

The undersigned grantor(s) declare(s)
DOCUMENTARY TRANSFER TAX \$ NONE

Wildomar-Pumice Lane SD
Project No.: 7-0-0086
Tract No. 30297

RCFC Parcel No. 7086-501

CERTIFICATE OF ACCEPTANCE

The IRREVOCABLE OFFER OF DEDICATION recorded March 10, 2006, as Instrument No. 2006-0174708 is hereby accepted by the CITY OF WILDOMAR, as ordered by the City Council of the City of Wildomar on November 10, 2010.

CITY OF WILDOMAR, a municipal corporation:

Date: _____

By: _____
FRANK OVIEDO, City Manager

ATTEST:

Debbie A. Lee, CMC,
City Clerk, City of Wildomar

By: _____
City Clerk

(SEAL)

Recorded at request of, and return to:
City of Wildomar
23873 Clinton Keith Road
Suite 201
Wildomar, California 92595

NO FEE (GOV. CODE 6103)

The undersigned grantor(s) declare(s)
DOCUMENTARY TRANSFER TAX \$ NONE

Wildomar-Pumice Lane SD
Project No.: 7-0-0086
Tract No. 30297

RCFC Parcel No. 7086-500

CERTIFICATE OF ACCEPTANCE

The storm drain easement for flood control purpose on Lot 147 of Tract No. 30297, recorded in Map Book 400, Pages 19 and 35 inclusive, records of the Recorder's Office, Riverside County, State of California is hereby accepted by the CITY OF WILDOMAR, as ordered by the City Council of the City of Wildomar on November 10, 2010

CITY OF WILDOMAR, a municipal corporation:

Date: _____

By: _____
FRANK OVIEDO, City Manager

ATTEST:

Debbie A. Lee, CMC,
City Clerk, City of Wildomar

By: _____
City Clerk

(SEAL)

Recorded at request of, and return to:
Riverside County Flood Control and
Water Conservation District
1995 Market Street
Riverside, California 92501

NO FEE (GOV. CODE 6103)

SPACE ABOVE THIS LINE FOR RECORDER'S USE

The undersigned grantor(s) declare(s)
DOCUMENTARY TRANSFER TAX \$ NONE

Wildomar-Pumice Lane SD
Project No.: 7-0-0086
Tract No. 30297

RCFC Parcel No. 7086-501

QUITCLAIM DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, the CITY OF WILDOMAR, does hereby remise, release, and forever quitclaim to RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT all right, title and interest in and to easement, situated in the City of Wildomar, County of Riverside, State of California, described in:

Irrevocable Offer of Dedication recorded March 10, 2006, as Instrument No. 2006-0174708, records of said County, further described and shown in Exhibits "A" and "B", attached for reference purposes only.

CITY OF WILDOMAR, a municipal corporation:

Date: _____

By: _____
FRANK OVIEDO, City Manager

ATTEST:

Debbie A. Lee, CMC
City Clerk, City of Wildomar

By: _____
City Clerk

(SEAL)

Recorded at request of, and return to:
Riverside County Flood Control and
Water Conservation District
1995 Market Street
Riverside, California 92501

NO FEE (GOV. CODE 6103)

SPACE ABOVE THIS LINE FOR RECORDER'S USE

The undersigned grantor(s) declare(s)
DOCUMENTARY TRANSFER TAX \$ NONE

Wildomar-Pumice Lane SD
Project No.: 7-0-0086
Tract No. 30297

RCFC Parcel No. 7086-500

QUITCLAIM DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, the CITY OF WILDOMAR, does hereby remise, release, and forever quitclaim to RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT all right, title and interest in and to easement, situated in the City of Wildomar, County of Riverside, State of California, described in:

The storm drain easement for flood control purpose on Lot 147 of Tract No. 30297, recorded in Map Book 400, Pages 19 and 35 inclusive, records of the Recorder's Office, Riverside County, State of California, as shown as Exhibit "A", attached for reference purposes only.

CITY OF WILDOMAR, a municipal corporation:

Date: _____

By: _____
FRANK OVIEDO, City Manager

ATTEST:

Debbie A. Lee, CMC
City Clerk, City of Wildomar

By: _____
City Clerk

(SEAL)

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #1.7m
#1.3
CONSENT CALENDAR
Meeting Date: November 10, 2010

TO: Mayor and City Council Members

FROM: Debbie A. Lee, City Clerk
Julie Hayward Biggs, City Attorney

SUBJECT: Planning Commission Vacancy

STAFF REPORT

RECOMMENDATION:

Staff recommends that the City Council:

1. Declare one vacancy on the Planning Commission (currently held by Ben Benoit), effective December 8, 2010; and
2. Direct the City Clerk to advertise the vacancy in accordance with Government Code Section 54974.

DISCUSSION:

On November 2, 2010, the City held its first General Municipal Election. One of the three City Council Members-Elect will be current Planning Commissioner Ben Benoit.

The new City Council is scheduled to be sworn in on December 8, 2010, and with the installation of Mr. Benoit as a City Council Member, an unscheduled vacancy on the Planning Commission will occur.

The Government Code allows the City Council to fill this vacancy in the following manner:

Government Code Section 54974

“a) Whenever an unscheduled vacancy occurs in any board, commission, or committee for which the legislative body has the appointing power, whether due to resignation, death, termination, or other causes, a special vacancy notice shall be posted in the office of the clerk of the local agency, the library designated pursuant to Section 54973, and in other places as directed by the legislative body, not earlier than 20 days before or not later than 20 days after the vacancy occurs. Final appointment to the board, commission, or committee shall not be made by the legislative body for at least 10 working days after the posting of the notice in the clerk's office.”

The City Council can declare this that a vacancy will exist, effective December 8, 2010, and direct the City Clerk to post a this vacancy notice on or after November 19, 2010 in accordance with Government Code Section 54974. During this time period applications will be accepted and reviewed. The earliest date that a commissioner could be appointed if the vacancy notice is posted on November 19, 2010 would be December 7, 2010. for possible appointment on December 8, 2010. Under this schedule, an appointment may be made at the Council meeting scheduled for December 8, 2010 after Mr. Benoit has been sworn in.

Additionally, in regard to the other two Planning Commission seats currently held by Michael Kazmier (appointed by Mayor Pro Tem Swanson) and Gary Andre (appointed by Council Member Ade), those the terms of office for those seats run concurrently with their appointing Council Members and are scheduled to be terminated by operation of law on December 8, 2010. Ordinance 51, however, allows for their term to extend provides a grace period of up to 60 days beyond the expiration of the those terms, or when an appointment is made, whichever occurs first for appointment or re-appointment of commissioners by the newly elected or re-elected members of the Council.

Regularly scheduled openings on public commissions and committees are not treated as vacancies under California law. Government Code Section 54972 provides as follows in this regard:

“On or before December 31 of each year, each legislative body shall prepare an appointments list of all regular and ongoing boards, commissions, and committees which are appointed by the legislative body of the local agency. This list shall be known as the Local Appointments List. The list shall contain the following information:

(a) A list of all appointive terms which will expire during the next calendar year, with the name of the incumbent appointee, the date of appointment, the date the term expires, and the necessary qualifications for the position.

(b) A list of all boards, commissions, and committees whose members serve at the pleasure of the legislative body, and the necessary qualifications for each position.”

The Local Appointments List is required to be made available to any member of the public under the provisions of Government Code Section 54973 for a nominal cost. With regard to regularly expiring terms of office, the Local Appointments List is the only required procedure to be followed prior to appointment by the legislative body. The City Clerk has reported that she properly prepared the Local Appointments List as required by law. As such, no additional notice or advertising requirements apply to the Planning Commission terms that expire in the regular course of business. Since these seats are regularly scheduled openings, will not be deemed a vacancy, appointment must be made anytime within 60 days following December 8, 2010 and applications can be taken at any time up to the time that new Planning Commissioners are appointed by Council Member-Elects Marsha Swanson and Tim Walker.

FISCAL IMPACT:

Minimal cost for advertising.

Submitted by:

Approved by:

Debbie A. Lee, CMC
City Clerk

Frank Oviedo
City Manager

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #2.1
PUBLIC HEARING
Meeting Date: November 10, 2010

TO: Mayor and City Council Members

FROM: Matthew C. Bassi, Planning Director

SUBJECT: Change of Zone 7440 and Plot Plan 22249 (City Project No. 08-0162):
The applicant is requesting approval of a Change of Zone from Rural Residential (R-R) to General Commercial (C-1/C-2) and a Plot Plan for the development of a 17,288 square-foot multi-tenant automotive repair/retail center (Robles Automotive center) located at the northwest corner of Palomar Street and Kilgore Lane (APN: 380-140-004)

STAFF REPORT

RECOMMENDATION:

Staff recommends that the City Council:

1. Adopt a Resolution (Attachment A) entitled:

RESOLUTION NO. 2010 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION FOR CHANGE OF ZONE 7440 AND PLOT PLAN 22249 (WILDOMAR PROJECT NO. 08-0162 - ROBLES AUTOMOTIVE CENTER) LOCATED AT THE NORTHWEST CORNER OF PALOMAR STREET AND KILGORE LANE (ASSESSORS PARCEL NUMBER 380-140-004)

2. Introduce an Ordinance (Attachment B) entitled:

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, APPROVING CHANGE OF ZONE 7440 (CITY PROJECT NO. 08-0162) TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF WILDOMAR FROM RURAL RESIDENTIAL (R-R) TO GENERAL COMMERCIAL (C-1/C-P) FOR A 2.28 ACRE SITE LOCATED AT THE NORTHWEST CORNER OF PALOMAR STREET AND KILGORE LANE (ASSESSOR'S PARCEL NO. 380-140-004)

3. Adopt a Resolution (Attachment C) entitled:

RESOLUTION NO. 2010 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, APPROVING PLOT PLAN 22249 (CITY PROJECT NO. 08-0162) FOR THE DEVELOPMENT OF A 17,288 SQUARE-FOOT MULTI-TENANT AUTOMOTIVE REPAIR/RETAIL CENTER (ROBLES AUTOMOTIVE CENTER) ON A 2.28 ACRE SITE LOCATED AT NORTHWEST CORNER OF PALOMAR STREET AND KILGORE LANE (ASSESSOR'S PARCEL NO. 380-140-004)

BACKGROUND:

Change of Zone 7440 and Plot Plan 22249 was originally submitted to the County of Riverside for review and processing. On June 11, 2008, the Riverside County Planning Commission recommended approval of the project applications (with conditions) to the County Board of Supervisors. However, due to the timing of the City's incorporation, the Board of Supervisors were not able to review the proposed project. Thus, the project was transferred to the City of Wildomar and scheduled for a hearing with the City Council.

The City Council reviewed the proposed change of zone and plot plan at its January 28, 2009 meeting. After discussion of the item, the Council had raised several concerns about land use, site design and architecture which led to a decision to remand the applications back to the Planning Commission for consideration. Specific direction was given to the applicant to address Council's concerns and revise the project accordingly.

On October 27, 2010, the City Council reviewed a request to reconsider its decision to remand the project to the Planning Commission for consideration. After discussion of the request, the Council decided that project did not have to go to the Commission for review, but rather voted to allow the project to be brought back to the Council directly for final consideration, provided all issues raised by the Council at the January 29, 2009 meeting were addressed and resolved.

DESCRIPTION

The applicant is requesting approval of a change of zone from Rural Residential (R-R) to General Commercial (C-1/C-P). The applicant is also requesting approval of a plot plan application to develop of a 17,288 square-foot multi-tenant automotive repair/retail center (Robles Automotive center). The applicant intends to occupy the front portion of the building and will lease out the remaining space as opportunities come up. The project site is 2.28 acres and is located on the northwest corner of Palomar Street and Kilgore Lane (refer to Vicinity Map, Attachment D).

DISCUSSION:

Plot Plan

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

Table 1 – Development Standards

Development Standard	Zoning Code Standard	Proposed Project Specifics	Meets Code Requirements
Front Setback ¹	0 feet	50 feet	Yes
Side Setback(s)	0 feet	50 feet min.	Yes
Rear Setback	0 feet	38 feet	Yes
Building Height	50 feet max.	27 feet	Yes
Off-street Parking	107 spaces	107 spaces	Yes

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

In addition to the development standards being in compliance, conditions have been imposed on the project to ensure compliance with Riverside County Fire Department and Wildomar Public Works/Engineering requirements/standards (refer to plot plan resolution). The proposed project is also consistent with the requirements of the Multi-Species Habitat Conservation Plan, and has been conditioned to implement all applicable regional and City mitigation fee programs. In addition, there is a 10-foot wide multi-use trail along Palomar Street, and an open space area for Riparian/Riverine protection around the drainage channel along the northern edge of the project site.

Architectural Elevations

The applicant is proposing a modern commercial architectural style that is compatible with other commercial buildings in the city. The building will be comprised of a stucco exterior with earth tone colors. The design incorporates architectural features such as tile medallions, accent stone at the base of the columns off-sets in the horizontal and vertical building planes. To minimize the length of the building roof line, the building has incorporated tile roof elements that act as architectural features/elements.

In addition, the east side of the building facing Palomar Street and south side of the building facing Kilgore Lane have been designed to reflect a commercial/retail storefront appearance with windows, glazing and insets. The original design had a flat-looking appearance facing Palomar Street and steel roll-up doors facing Kilgore Lane. On the

north side of the building, the steel roll-up doors leading to the service areas for future tenants will have windows as part of the door to enhance the design facing the residential area to the north. The original design on this elevation also had steel roll-up doors. The applicant has, in staff's opinion, significantly enhanced the architectural design of the building from what was originally approved by the County, and in the process, addressed the design concerns raised by the Council at the January 29, 2009 meeting. A colored copy of the original design and most recent design is provided for Council consideration (refer to Attachment F & G).

Change of Zone

The proposed change of zone from R-R to C-1/C-P is necessary for the project to be developed as an automotive repair center. Automotive repair uses are not permitted in the residential zone, thus the C-1/C-P zone is the appropriate zone designation for the project. Staff supports the proposed zone change based on the findings discussed in the staff report.

The project site is surrounded by vacant land and existing residential and commercial uses. Table 2 (next page) summarizes the land use, general plan and zoning information related to the proposed project.

Table 2 – Adjacent Land Use and Zoning

Location	Existing Land Use	General Plan Designation	Zoning Designation
Project Site	Vacant	General Commercial	Rural Residential (R-R)
North	Partially developed single family residential tract	Medium Density Residential	One Family Dwellings (R-1)
South	Vacant	Commercial Retail	Rural Residential (R-R)
East	Commercial Office	Commercial Retail	General Commercial (C-1/C-P)
West	Vacant	Commercial Retail	Rural Residential (R-R)

Environmental Review

The proposed project was evaluated for compliance with the California Environmental Quality Act (CEQA) guidelines. The Riverside County planning department prepared an Environmental Assessment (EA 41118) for the proposed project which identified several potentially significant impacts related to air quality, cultural resources, geology/soils, hydrology/water quality, noise, and recreation. After analyzing the initial study, the County planning department prepared a Negative Declaration for the project. On June

11, 2008, the Riverside County Planning Commission reviewed the environmental assessment and recommended that the Board of Supervisors adopt a Negative Declaration for the proposed project. As noted previously, the Board did not review the application or environmental assessment; therefore, staff is recommending that the City Council adopt the Negative Declaration. A copy of the environmental assessment is provided as Exhibit 1 of the CEQA Resolution.

Council Concerns from the January 29, 2010 meeting

This project was reviewed by the City Council on January 28, 2009. As a result of its review, the Council raised several concerns related to building design and land use. Of primary concern was the design and orientation of the proposed building adjacent to Palomar Street and Kilgore Lane, including incorporating a retail appearance and addressing the metal roll-up doors facing the future single family residences north of the site. Other concerns raised by the Council are illustrated in the table below.

Given the number of concerns related to this project, the Council decided to remand the project to the Planning Commission for further consideration and gave specific direction to the applicant to address their concerns/issues. The Council recently, on October 27, 2010, considered a request by staff to allow this project to come back directly to the Council rather than the Planning Commission. The Council voted unanimously to bring the project to Council for review on November 10, 2010.

The applicant has now revised the project plans and is submitting these plans for Council consideration. Staff has reviewed the plans and believes each concern has been addressed. Table 3 below has been provided to summarize each of Council's concerns and a response addressing those concerns.

Table 3 – Council Concerns and Responses

Council Comments/Concerns	Response/Assessment
<ul style="list-style-type: none"> Project design should incorporate more of a storefront character facing Palomar Street and Kilgore Lane. 	<ul style="list-style-type: none"> The project was redesigned to incorporate a commercial/retail storefront character facing Palomar Street and Kilgore Lane (refer to colored elevations in Attachment F & G)..
<ul style="list-style-type: none"> Hazardous materials (i.e., oil,. etc) from the project. 	<ul style="list-style-type: none"> The use and disposal of hazardous materials is strictly regulated by the County Fire Department. All regulations related to hazardous materials will be addressed through the plan check process for any tenants locating in the building. If a specific use cannot address Fire's regulations, that use will not be able to open for business.
<ul style="list-style-type: none"> Oil and grease runoff from the project. 	<ul style="list-style-type: none"> A Preliminary Water Quality Management Plan (WQMP) was submitted to

	Engineering department to address these issues. Prior to the project being developed, a final WQMP will be reviewed and the applicant will be required to comply with all conditions/measures imposed by Engineering department.
<ul style="list-style-type: none"> The 8-foot retaining wall adjacent to Palomar Street. 	<ul style="list-style-type: none"> The retaining wall is necessary to address grade differences. Since it faces the interior of the project and is obscured from Palomar Street, the height will not be significantly noticeable. Nonetheless, staff is recommending a condition that additional landscaping be provided in this area to further soften the appearance of the retaining wall.
<ul style="list-style-type: none"> Noise impacts to future residents north of the project site. 	<ul style="list-style-type: none"> A noise impact study was prepared as part of the CEQA process, and concluded that there would be no impacts on adjacent uses since the nearest use was over 400 feet away. However, to address possible impacts to the future residential area north of the site, a condition was imposed on the project limiting the hours of operation for all automotive repair uses on the north side of the project are limited to the hours of 7 am to 8 pm, Monday through Saturday. Also, the condition for additional landscaping along the north property line will further minimize noise.
<ul style="list-style-type: none"> The ability to condition future tenants. 	<ul style="list-style-type: none"> The ability of the City to provide additional operational conditions on future auto repair type tenants is limited because the C-1/C-P zone does not require a CUP for these type of uses. They are currently permitted by right.

As presented above, staff believes that the Council's concerns have been addressed by the additional information submitted and the revisions to the project design. However, the issue of imposing operating conditions on future auto repair tenants has not been addressed since the C-1/C-P zone allows these types of uses by right (no CUP is required). It is staff's opinion that the Council has two options to address this:

- Option 1 – The Council could direct the applicant to amend his change of zone request from R-R to C-P-S (Scenic Highway Commercial zone) instead of C-1/C-P. Under the current C-P-S zoning regulations, auto repair garages, body shops and spray paint shops are required to apply for a CUP (Section 17.80.010.B). This would result in all future auto related tenants going through the CUP process,

thereby, giving the Planning Commission and City Council the ability to impose conditions of approval.

- Option 2 – The Council could direct staff to prepare a code amendment that would amend the C-1/C-P zone to make all auto repair garages/auto related uses a conditional use consistent with the provisions of Section 17.72.010.C. This would also result in all future auto related tenants going through the CUP process, thereby, giving the Planning Commission and City Council the ability to impose conditions of approval.

Staff would support the Council if either of these two options are exercised.

REQUIRED PROJECT FINDINGS:

Change of Zone Application:

In accordance with the provision of the Wildomar Zoning Code related to change of zone applications, the following finding is offered for Council consideration in approving the proposed change of zone.

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

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

Plot Plan Application:

In accordance with the provision of Section 17.216.040 of the Wildomar Zoning Code related to plot plan applications, the following findings are offered for Council consideration in approving the proposed plot plan.

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

The proposed use is consistent with the General Plan in that the proposed land use is a permitted use in the C-1/C-P zone district. The proposed use is a commercial use by definition and is provided for in the Commercial Retail land use category. The proposed project with auto repair uses is also consistent with the development standards of the zone, including but not limited to, building setbacks, building size and location, site access, parking and landscaping.

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

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

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

The proposed project has been designed to conform to a logical pattern of development as envisioned by the General Plan. The properties to the south, east and west have a General Plan Land Use Designation of Commercial Retail. The property to the north is Medium Density Residential and has already been partially development for residential use. This residential development has constructed a six foot high block wall along the adjacent property line. Between this development and the project site there is a natural drainage channel creating an additional setback. Consequently, the project is compatible with the surrounding area.

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

The project is located at the northwestern corner of Clinton Keith Road and Kilgore Lane. Access to the site will be from multiple driveways off of Kilgore Lane. The project is required to construct additional improvements along Clinton Keith Road and construct half of Kilgore Lane along the project frontage. These improvements will include curb, gutter, and sidewalk, as well as an extension of the trail along Palomar Street already installed by the adjacent single family residential tract.

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

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

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

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

Submitted by:

Approved by:

Matthew C. Bassi
Planning Director

Frank Oviedo
City Manager

ATTACHMENTS:

- A. Council Resolution Adopting a Negative Declaration
Exhibit A – Initial Study/Environmental Assessment 41118
- B. Council Ordinance Approving the Change of Zone
- C. Council Resolution Approving the Plot Plan
Exhibit A – Conditions of Approval
- D. Vicinity Map
- E. Colored Architectural Elevations (County Approved Design Proposal)
- F. Colored Architectural Elevations (City Recommended Revision)
- G. Exterior Color Chart
- H. Proposed Plot Plan Packet (full size plans)

ATTACHMENT A

RESOLUTION 2010 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION FOR CHANGE OF ZONE 7440 AND PLOT PLAN 22249 (WILDOMAR PROJECT NO. 08-0162 - ROBLES AUTOMOTIVE CENTER) LOCATED AT THE NORTHWEST CORNER OF PALOMAR STREET AND KILGORE LANE (ASSESSORS PARCEL NUMBER 380-140-004)

WHEREAS, an application for a zone change and plot plan was been filed by:

Applicant/Owner: Kenny Robles
Project Location: Northwest corner of Palomar Street and Kilgore Lane
APN Number: 380-140-004

WHEREAS, the proposed change of zone and plot plan is considered a “project” as defined by the California Environmental Quality Act, Public Resources Code §21000 et seq. (“CEQA”); and

WHEREAS, after completion of an Initial Study, the Planning Director determined that it identified potentially significant effects on the environment, but that revisions to the project would reduce the effects below the threshold of significance. Therefore, the City Council has adopted a Negative Declaration for this project; and

WHEREAS, The County of Riverside Planning Commission, at a regularly scheduled meeting on June 11, 2008, recommended adoption of a Negative Declaration and approval of the proposed plot plan to the Board of Supervisors; and

WHEREAS, The County of Riverside Planning Department was unable to present the project to the Board of Supervisors for consideration prior to the City of Wildomar's incorporation on July 1, 2008; and

WHEREAS, The County of Riverside Planning Department did transfer the proposed change of zone and plot plan application to the City of Wildomar to complete the processing of the proposed project; and

WHEREAS, the City Council conducted a duly noticed public hearing and considered the project and environmental determination review on January 28, 2009, at which time the City staff and interested persons had an opportunity to and did testify either in support or in opposition to this matter; and

WHEREAS, at the conclusion of the City Council review and after due consideration of the testimony, the City Council remanded the project back to the Planning Commission for consideration; and

WHEREAS, the City Council on October 27, 2010 voted to amend its decision to remand the project to the Planning Commission for review, and instead decided to review the project at the November 10, 2010 Council meeting; and

WHEREAS, the City Council conducted a duly noticed public hearing on November 10, 2010 at which time it received public testimony concerning the project and the proposed Negative Declaration.

NOW THEREFORE, THE CITY COUNCIL FOR THE CITY OF WILDOMAR HEREBY RESOLVES AS FOLLOWS:

SECTION 1. ENVIRONMENTAL FINDINGS.

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

A. Review Period: That the County/City has provided the public review period for the Negative Declaration for the duration required under CEQA Guidelines Sections 15073 and 15105.

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

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

D. Mitigation Monitoring Program: Since there are no mitigation measures associated with the Negative Declaration, the Council finds that a Mitigation Monitoring Program is not needed for the proposed project.

E. No Significant Effect: That revisions made to the project plans agreed to by the applicant and conditions of approval on the project adequately address potential significant effects on the environment identified in the Initial Study to a level of insignificance in accordance with CEQA guidelines. Furthermore, after taking into consideration the revisions to the project and conditions of approval, the City Council finds that there is no substantial evidence, in light of the whole record, from which it could be fairly argued that the project may have a significant effect on the environment.

Therefore, the City Council concludes that the project will not have a significant effect on the environment and a Negative Declaration is hereby adopted.

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

The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.

SECTION 3. CITY COUNCIL ACTIONS.

The City Council hereby takes the following actions:

A. Adopt a Negative Declaration for Change of Zone 7440 and Plot Plan 22249 (City Project No. 08-0162) located at the northwest corner of Palomar Street and Kilgore Lane which is attached hereto and incorporated herein by reference as Exhibit A.

B. The Negative Declaration and all special studies and documents incorporated therein or forming the record of decision therefore, shall be filed with the Wildomar Planning Department at the Wildomar City Hall, 23873 Clinton Keith Road, Suite 201, Wildomar, California 92595, and shall be made available for public review upon request.

PASSED, APPROVED AND ADOPTED this 10th day of November, 2010.

Bridgette Moore
Mayor

APPROVED AS TO FORM:

ATTEST:

Julie Hayward Biggs
City Attorney

Debbie A. Lee, CMC
City Clerk

COUNTY OF RIVERSIDE

ENVIRONMENTAL ASSESSMENT FORM: INITIAL STUDY

Environmental Assessment (E.A.) Number: 41118
Project Case Type (s) and Number(s): Plot Plan No. 22249
Lead Agency Name: County of Riverside Planning Department
Address: P.O. Box 1409, Riverside, CA 92502-1409
Contact Person: Jeffery Childers, Project Planner
Telephone Number: 951-955-3626
Applicant's Name: Kenny Robles
Applicant's Address: 42044 Corte Inquieto, Murrieta, CA 92562

I. PROJECT INFORMATION

A. Project Description: Plot Plan No. 22249 proposes the construction of a 17,288 square foot automobile repair garage. The development includes 18 repair bays and 107 parking spaces.

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

C. Total Project Area: 2.28 Gross Acres

Residential Acres: N/A	Lots: N/A	Units:	Projected No. of Residents: N/A
Commercial Acres: 2.03	Lots: 1	Sq. Ft. of Bldg. Area: 17,288	Est. No. of Employees: 24
Industrial Acres: N/A	Lots: N/A	Sq. Ft. of Bldg. Area: N/A	Est. No. of Employees: N/A
Other:			

D. Assessor's Parcel No(s): 380-140-004

E. Street References: Southerly of Palomar Street and westerly of Kilgore Lane

F. Section, Township & Range Description or reference/attach a Legal Description: Sec 1, T7S, R4W

G. Brief description of the existing environmental setting of the project site and its surroundings: The project site currently consists of vacant land with commercial properties to the northeast and southeast with residential to the northwest. Vegetation on the site currently consists of native and non-native grasses and deciduous shrubs. The site has been tilled in the past and shows signs of prior disturbance.

II. APPLICABLE GENERAL PLAN AND ZONING REGULATIONS

A. General Plan Elements/Policies:

- 1. Land Use:** Commercial Development: Commercial Retail (CR)
- 2. Circulation:** Circulation on-site and access to existing roads will provide adequate circulation. Parking will be provided on-site and will be constructed per County Standards.
- 3. Multipurpose Open Space:** The areas as mapped on the Exhibit "A" – Site Plan and labeled as Riparian/Riverine Area will be preserved and protected during construction per the conditions of approval.

4. **Safety:** The project is located in area susceptible to subsidence and shall conform to the conditions as required by the County Geologist. The project is not in a high fire area or an area of potential liquefaction. The site is designed to provide the customers with adequate safety elements and for emergency vehicle response.
5. **Noise:** A Noise Impact Study was prepared by Giroux & Associates on February 27, 2008 and determined that the acoustical impacts of this development would not be significant.
6. **Housing:** This project does not impact housing or propose any housing.
7. **Air Quality:** An Air Quality Impact Analysis was conducted by Giroux & Associates on March 5, 2008 and found that neither construction of the project nor operation of the project after construction would be a significant impact to the air quality.

B. General Plan Area Plan(s): Elsinore

C. Foundation Component(s): Community Development

D. Land Use Designation(s): Commercial Retail (CR)

E. Overlay(s), if any: N/A

F. Policy Area(s), if any: N/A

G. Adjacent and Surrounding

1. **Area Plan(s):** Elsinore
2. **Foundation Component(s):** Community Development
3. **Land Use Designation(s):** Commercial Retail (CR) to the north, east and south; and Medium Density Residential (MDR) to the west.
4. **Overlay(s) and Policy Area(s):** N/A

H. Adopted Specific Plan Information

1. **Name and Number of Specific Plan, if any:** N/A
2. **Specific Plan Planning Area, and Policies, if any:** N/A

I. Existing Zoning: Rural Residential (R-R)

J. Proposed Zoning, if any: General Commercial (C-1/C-P)

K. Adjacent and Surrounding Zoning: Rural Residential (R-R) to the east and south with One Family Dwelling and General Commercial (C-1/C-P) to the north.

III. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

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

IV. DETERMINATION

On the basis of this initial evaluation:

A PREVIOUS ENVIRONMENTAL IMPACT REPORT/NEGATIVE DECLARATION WAS NOT PREPARED

- 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 revisions in the project, described in this document, have been made or agreed to by the project proponent. **A MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

A PREVIOUS ENVIRONMENTAL IMPACT REPORT/NEGATIVE DECLARATION WAS PREPARED

- I find that although the proposed project could have a significant effect on the environment, **NO NEW ENVIRONMENTAL DOCUMENTATION IS REQUIRED** because (a) all potentially significant effects of the proposed project have been adequately analyzed in an earlier EIR or Negative Declaration pursuant to applicable legal standards, (b) all potentially significant effects of the proposed project have been avoided or mitigated pursuant to that earlier EIR or Negative Declaration, (c) the proposed project will not result in any new significant environmental effects not identified in the earlier EIR or Negative Declaration, (d) the proposed project will not substantially increase the severity of the environmental effects identified in the earlier EIR or Negative Declaration, (e) no considerably different mitigation measures have been identified and (f) no mitigation measures found infeasible have become feasible.
- I find that although all potentially significant effects have been adequately analyzed in an earlier EIR or Negative Declaration pursuant to applicable legal standards, some changes or additions are necessary but none of the conditions described in California Code of Regulations, Section 15162 exist. An **ADDENDUM** to a previously-certified EIR or Negative Declaration has been prepared and will be considered by the approving body or bodies.
- I find that at least one of the conditions described in California Code of Regulations, Section 15162 exist, but I further find that only minor additions or changes are necessary to make the previous EIR adequately apply to the project in the changed situation; therefore a **SUPPLEMENT TO THE ENVIRONMENTAL IMPACT REPORT** is required that need only contain the information necessary to make the previous EIR adequate for the project as revised.
- I find that at least one of the following conditions described in California Code of Regulations, Section 15162, exist and a **SUBSEQUENT ENVIRONMENTAL IMPACT REPORT** is required: (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) Substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or (3) New information of substantial importance, which was not known and could not have

been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any the following:(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR or negative declaration;(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives; or,(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR or negative declaration would substantially reduce one or more significant effects of the project on the environment, but the project proponents decline to adopt the mitigation measures or alternatives.

Signature

Date

Jeffery K. Childers

For Ron Goldman, Planning Director

Printed Name

V. ENVIRONMENTAL ISSUES ASSESSMENT

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

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

Source: Riverside County General Plan Figure C-9 "Scenic Highways" of the Circulation Element

Findings of Fact: a) The project site is located southwesterly of Palomar Street and northwesterly of Kilgore Lane. The RCIP indicates that the project is not located within a designated scenic corridor.

b) The project does include site grading which will modify the current existing conditions. However, the site work will not impact any unique or landmark features, obstruct any prominent scenic vistas or views open to the public, or create an offensive site that will be viewed from Palomar Street or Kilgore Lane.

Mitigation: No mitigation measures are required.

Monitoring: No monitoring measures are required.

2. Mt. Palomar Observatory	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a) Interfere with the nighttime use of the Mt. Palomar Observatory, as protected through Riverside County Ordinance No. 655?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Source: GIS database, Ord. No. 655 (Regulating Light Pollution)

Findings of Fact: a) According the RCIP and the Riverside County Land Information System, the project site is located 27.58 miles away from the Mt. Palomar Observatory which in within the 45-mile (Zone B) Special lighting Area. Ordinance No. 655 requires methods of installation, definition, requirements for lamp source and shielding, prohibition and exceptions for all lighting on the project

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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site. With the incorporation of the project lighting requirements of Ordinance No. 655, this impact will be reduced to less than significant. All proposed outdoor lighting shall comply with Ordinance No. 655 which includes the use of low pressure sodium vapor lighting or overhead high pressure sodium vapor lighting with shields or luminaries. This is a standard condition of approval and is not considered mitigation pursuant to CEQA.

Mitigation: No mitigation measures are required.

Monitoring: No monitoring measures are required.

3. Other Lighting Issues

a) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Expose residential property to unacceptable light levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Source: On-site Inspection, Project Application Description

Findings of Fact: a) Due to the nature of the General Commercial (C-1/C-P) zone and the fact that the property is currently vacant, there will be a new source of light or glare in the area. However, the standard conditions of approval provide for lighting to be installed in such a manner as to reduce this impact. The site's future conditions will also assist in reducing this impact by grading, landscape installation, and over-all project location.

b) The project includes a number of landscape buffers between the commercial use and any adjoining residential use. The restriction of development in the "Riparian/Riverine area" as depicted on the Site Plan (Exhibit A) will further reduce the impact of this development.

Mitigation: No mitigation measures are required.

Monitoring: No monitoring measures are required.

AGRICULTURE RESOURCES Would the project

4. Agriculture

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

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Farmland, to non-agricultural use?

Source: Riverside County General Plan Figure OS-2 "Agricultural Resources," GIS database, and Project Application Materials.

Findings of Fact: a) The project site is not located in an area identified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. However, the site is located in an area designated in the Riverside General Plan, Open Space Element, as Farmland of Local Significance (Figure OS-2). It should be noted that during the adoption of the Riverside County General Plan in 2003, there was a finding of overriding consideration in regards to the loss or conversion of Farmland of Local Importance to other uses (General Plan EIR Section 4.2.4). The project includes a zone change conform to the proposed use, and the surrounding uses and zoning are all consistent with the proposed use as well.

b) The project site is not located in a Williamson Act area or in an Agricultural Preserve.

c) The project site is not located within 300 feet of any parcel zoned agriculturally, nor would the project preclude agricultural uses on any parcels within 300 feet.

d) The project will not involve changes that could result in the conversion of farmland to non-agricultural uses.

Mitigation: No mitigation measures are required

Monitoring: No monitoring measures are required

AIR QUALITY Would the project

5. Air Quality Impacts

	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors which are located within 1 mile of the project site to project substantial point source emissions?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve the construction of a sensitive receptor located within one mile of an existing substantial point source emitter?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Source: SCAQMD CEQA Air Quality Handbook Table 6-2, an Air Quality Impact Analysis prepared by Giroux & Associates (March 5, 2008), and Project Application Materials.

Findings of Fact: a) The project will not conflict with or obstruct implementation of any requirements of the South Coast Air Quality Management District (SCAQMD).

b) The project is located in an area that has been deemed a non-attainment status, and requires that Best Available Control Measures (BACM) be implemented where ever feasible. (COA 10.Grade 5) The mitigation measures as described in the Air Quality Impact Analysis prepared by Giroux & Associates are included in the measures required in the Conditions of approval and will therefore require no separate monitoring. The operation of the project after construction will not exceed the thresholds recommended by SCAQMD and are considered less-than-significant.

c) Since the project is located in an area of non-attainment according to SCAQMD, evaluation of the cumulative impact was required. According the Analysis prepared by Giroux & Associates, the only major component that would affect the cumulative air quality would be automobile vehicle trips. An analysis of the project resulted in a maximum daily trip generation of 591 ADT (Average Daily Trips) as calculated using the ITE trip generation factor for automotive service. The square footage as reported in the AQIA was 17,952 which is excess of the projects square footage of 17,288. Even if the additional square footage as analyzed, the net change in ADT's would be negligible from a cumulative standpoint.

d) According to the evaluation of the Local Significant Thresholds in the AQIA, none of the thresholds will be exceeded either with or without mitigation measures. None of the criteria pollutants will be exceeded either during construction or during operations therefore, no impact to sensitive receptors are expected.

e) Since the levels of the thresholds are higher than the activity generated by the project, either in construction or during regular operations, there will be no construction of a sensitive receptor expected.

f) Since the site is relatively small and the duration of the project is not extensive, the likelihood of the project creating objectionable odors during the construction process in low. However, since the project is an automobile repair shop, the use of solvents and other volatiles is likely. Since the use of these items are managed by other agencies, and the exposure and use is governed by workplace standards and the incorporation of Material Safety Data Sheets (MSDS), the likelihood of these odors affecting adjoining parcels is low.

Mitigation: No mitigation measures are required

Monitoring: No monitoring measures are required

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
BIOLOGICAL RESOURCES Would the project				
6. Wildlife & Vegetation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect, either directly or through habitat modifications, on any endangered, or threatened species, as listed in Title 14 of the California Code of Regulations (Sections 670.2 or 670.5) or in Title 50, Code of Federal Regulations (Sections 17.11 or 17.12)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Source: GIS database, WRCMSHCP, On-site Inspection, and a Biological Resources Report prepared by Vincent N. Scheidt on March 27, 2007.

Findings of Fact: a) The project as designed does not conflict with any adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other local, regional or state approved plan. The project did require a detailed biological survey for Burrowing Owl, Wetland Habitat and Sensitive Species, and Vernal Pools for MSHCP compliance.

b) No endangered, threatened, or any species identified as a candidate for sensitive or special status were detected during the field survey.

c) No endangered, threatened, or any species identified as a candidate for sensitive or special status were detected during the field survey.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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d) According to the Biological Assessment report, there may be a few sensitive species that could fly over the project area, but the impacts of the development would be less than significant.

e) The project includes a narrow strip of Riparian Scrub as reported in the Biological Assessment. A portion of this area will remain undeveloped as shown on the Approved Exhibit A, therefore the impact will be less than significant with the reservation and restriction of development in this area.

f) There were no sensitive wetlands, marshes, vernal pools, or other wetlands as defined in Section 404 of the Clean Water Act located on the project site. The site will not adversely affect any federal wetlands.

g) There is no conflict with local policies regarding any ordinances protecting biological resources given the aforementioned mitigation for the Riparian Scrub area.

Mitigation: No mitigation measures are required

Monitoring: No monitoring measures are required

CULTURAL RESOURCES Would the project

7. Historic Resources

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

Source: On-site Inspection, Project Application Materials, and a Phase I Archaeological Assessment prepared by Professional Archaeological Services, dated June 13, 2007

Findings of Fact: a) The project site was evaluated and found to contain no cultural or archaeological resources

b) The project would not cause any substantial adverse change in any significant resource as defined in California Code of Regulations, Section 15064.5.

Mitigation: No mitigation measures are required

Monitoring: No monitoring measures are required

8. Archaeological Resources

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

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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potential impact area?

Source: Project Application Materials, Phase I Archaeological Assessment prepared by Professional Archaeological Services, dated June 13, 2007

Findings of Fact: a) A comprehensive record search was done in order to discover if the site contained or was part of an archaeological site. The search returned a negative finding indicating that there were no recorded or suspected archaeological resources on the project site.

b) None of the project activities will cause a substantial adverse change in the significance of an archaeological resource pursuant to California Code of Regulations, Section 15064.5.

c) No human remains are anticipated per the Phase I Archaeological Assessment, however, the Soboba Band of Luiseno Indians has requested a tribal monitor in the event of any discoveries. Additionally the project has been conditioned to provide for an archeologist to be present during grading operations. (60. Planning. 1-3)

d) No existing religious or sacred sites were discovered during the Phase I Archaeological Assessment.

Mitigation: No mitigation measures are required

Monitoring: No monitoring measures are required

9. Paleontological Resources	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a) Directly or indirectly destroy a unique paleontological resource, or site, or unique geologic feature?				

Source: Riverside County General Plan Figure OS-8 "Paleontological Sensitivity"

Findings of Fact: a) A small portion of the site resides in an area of High Potential Paleontological Sensitivity, however, this is in the area of the existing street improvements, and any potential resources that were located in that area would have been uncovered during previous grading operations. The project improvements will have no impact or potential to harm a unique paleontological resource, site, or geological feature.

Mitigation: No mitigation measures are required

Monitoring: No monitoring measures are required

GEOLOGY AND SOILS Would the project

10. Alquist-Priolo Earthquake Fault Zone or County Fault Hazard Zones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death?				
b) Be subject to rupture of a known earthquake fault, as				

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

b) Be subject to rupture of a known earthquake fault, as

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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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?

Source: Riverside County General Plan Figure S-2 "Earthquake Fault Study Zones," GIS database, Geologist Comments, and a Geologic Report prepared by T.H.E. Soils Co., Inc. dated March 12, 2008

Findings of Fact: a) The project location will not expose people or structures to any potential substantial adverse effects.

b) The site is located in the vicinity of a known fault. However during the Geologic investigation the fault line could not be located on the site. According the report prepared by T.H.E. Soils Co. sufficient evidence was provided to remove a setback from the south end of the property and because the fault could not be located, due the exiting Palomar Street, all proposed structures will be constructed outside of a 50 foot setback as shown on the approved Exhibit A (10. Planning 3).

Mitigation: No mitigation measures are required

Monitoring: No monitoring measures are required

11. Liquefaction Potential Zone

a) Be subject to seismic-related ground failure, including liquefaction?

Source: Riverside County General Plan Figure S-3 "Generalized Liquefaction", Riverside County Land Information System (RCLIS), and County Geologist Comments

Findings of Fact: a) The project is located in an area recorded as having a low potential for liquefaction as report in the RCLIS and reiterated in the County Geologist Comments.

Mitigation: No mitigation measures are required

Monitoring: No monitoring measures are required

12. Ground-shaking Zone

a) Be subject to strong seismic ground shaking?

Source: Riverside County General Plan Figure S-4 "Earthquake-Induced Slope Instability Map," and Figures S-13 through S-21 (showing General Ground Shaking Risk) and County Geologist Comments

Findings of Fact: a) As reported in the Geological Report, the area is required to be set back from the existing Palomar Street a minimum of 50 feet. The potential for seismic shaking was reviewed in the Geological Report, and the findings for seismic shaking parameters are included in the project design (10. Planning 3).

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Mitigation: No mitigation measures are required

Monitoring: No monitoring measures are required

13. Landslide Risk

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

Source: On-site Inspection, Riverside County General Plan Figure S-5 "Regions Underlain by Steep Slope"

Findings of Fact: a) The project is not located in an area of steep slopes, on a geologic unit or soil that is unstable, or in an area that could potentially result in on or off-site landslide, lateral spreading, collapse, or rock fall hazards.

Mitigation: No mitigation measures are required

Monitoring: No monitoring measures are required

14. Ground Subsidence

a) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in ground subsidence?

Source: Resolution No. 94-125, Riverside County Land Information System (RCLIS), County Geologist Comments, and Geological Report prepared by T.H.E. Soils Co., Inc. dated March 12, 2008

Findings of Fact: a) The project is located in an area determined to be susceptible to subsidence. However, according to the comments from the County Geologist, the engineering and other building code parameters will be reviewed and additional conditions may be required if necessary.

Mitigation: No mitigation measures are required

Monitoring: No monitoring measures are required

15. Other Geologic Hazards

a) Be subject to geologic hazards, such as seiche, mudflow, or volcanic hazard?

Source: On-site Inspection, Project Application Materials

Findings of Fact: a) The project is not located in an area subject to other geologic hazards such as seiche, mudflow, or volcanic hazard.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Mitigation: No mitigation measures are required

Monitoring: No monitoring measures are required

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

Source: Riv. Co. 800 Scale Slope Maps, Project Application Materials, and Approved Exhibit A

Findings of Fact: a) The project will include some grading operations and will change the ground surface relief features. However, the end result will not significantly affect the adjacent parcels or the overall regional topography.

b) No cut or fill slopes over 10 feet in height are proposed for the project.

c) The resulting grading and paving of the site will negate future subsurface sewage disposal systems, and there are no existing subsurface disposal systems that will be affected by the project.

Mitigation: No mitigation measures are required

Monitoring: No monitoring measures are required

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

Source: U.S.D.A. Soil Conservation Service Soil Surveys, Project Application Materials, On-site Inspection

Findings of Fact: a) The grading on-site will be subject to an erosion control and slope erosion control plan during construction (10. BS Grade. 6&7). The resulting asphalt surface will not impact the loss of topsoil.

b) The site is not located in an area of expansive soils.

Mitigation: No mitigation measures are required

Monitoring: No monitoring measures are required

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

Source: U.S.D.A. Soil Conservation Service Soil Surveys and Approved Exhibit A

Findings of Fact: a) The site will not impact the siltation or erosion of the channel of a river or stream or the bed of a lake.

b) According to the site plan the project will incorporate "porous pavement" in order to ensure that all site drainage is contained on-site and will not result in an increase in water erosion either on-site or off-site.

Mitigation: No mitigation measures are required

Monitoring: No monitoring measures are required

19. Wind Erosion and Blowsand from project either on or off site.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a) Be impacted by or result in an increase in wind erosion and blowsand, either on or off site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Source: Riverside County General Plan Figure S-8 "Wind Erosion Susceptibility Map," Ord. 460, Sec. 14.2 & Ord. 484

Findings of Fact: a) The project is located in an area of Moderate Wind Erosion Susceptibility as shown on Figure S-8 of the Riverside County General Plan. The project will include measures to control wind erosion during construction utilizing the proper BMP's as required in the Conditions of Approval (COA's) (10. BS Grade 20), and appropriate landscaping in order to control any potential wind erosion.

Mitigation: No mitigation measures are required

Monitoring: No monitoring measures are required

HAZARDS AND HAZARDOUS MATERIALS Would the project				
20. Hazards and Hazardous Materials	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

Source: Project Application Materials and Air Quality Impact Analysis prepared by Giroux & Associates dated March 5, 2008

Findings of Fact: a-b) The potential use for some of the facilities as shown on the Approved Exhibit A may include business that will utilize small amounts of solvents and other organic materials. These materials will be used in small enough quantities to pose no threat to the public or the environment. These materials are also regulated by the State Occupational Safety and Health Agency which require Material Safety Data Sheets for each compound. Any violation of use or exposure shall be reported in accordance with those regulations. The Conditions of Approval also contain instructions for the establishment of a business plan and a finding to be determined prior to the building final inspection regarding the manufacture, use, creation, and disposal of hazardous material (90. E Health. 1-4).

c) This project will not impair implementation of or physically interfere with any emergency response or evacuation plan.

d) There is not a school located within one-quarter mile of the proposed site.

e) The project is not located on a site that has previously been determined to contain any hazardous material and is not listed on any Federal list as required by Government Code Section 65962.5.

Mitigation: No mitigation measures are required

Monitoring: No monitoring measures are required

21. Airports	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a) Result in an inconsistency with an Airport Master Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require review by the Airport Land Use Commission?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) For a project within the vicinity of a private airstrip, or heliport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Source: Riverside County General Plan Figure S-19 "Airport Locations," GIS database

Findings of Fact: a-d) The project site is not located near or in the vicinity of an Airport Master Plan, the jurisdiction of the Airport Land Use Commission, or near a private airstrip or heliport.

Mitigation: No mitigation measures are required

Monitoring: No monitoring measures are required

22. Hazardous Fire Area	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Source: Riverside County General Plan Figure S-11 "Wildfire Susceptibility," GIS database

Findings of Fact: a) The project is not located in an area of high Wildfire Susceptibility.

Mitigation: No mitigation measures are required

Monitoring: No mitigation measures are required

HYDROLOGY AND WATER QUALITY Would the project				
23. Water Quality Impacts	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a) Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Include new or retrofitted stormwater Treatment Control Best Management Practices (BMPs) (e.g. water quality treatment basins, constructed treatment wetlands), the operation of which could result in significant environmental effects (e.g. increased vectors and odors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Source: Riverside County Flood Control District Flood Hazard Report/Condition and the Riverside County Land Information System (RCLIS)

Findings of Fact: a) Development of the proposed project will substantially alter the current drainage of the project site by replacing primarily undisturbed open spaces with roadways, walkways, parking, buildings, and commercial activity. Because the majority of the project site is undeveloped land, the impervious surfaces proposed by the project will reduce infiltration of rainfall and increase stormwater runoff volumes. However, the use of the porous asphalt will reduce the runoff to less than pre developed conditions and improve the water infiltration. During construction of storm drain and/or other flood control devices the County's regulatory requirements are enforced through the project's conditions of approval. In accordance with National Pollutant Discharge Elimination System (NPDES) requirements, a Water Quality Management Plan will be developed to minimize impacts to and from stormwater runoff. Through compliance with these regulatory requirements, the proposed project will not result in substantial erosion or siltation. Impacts are considered to be less than significant.

b & g) The project will not violate any water quality standards or waste discharge requirements.

c) The project would not significantly deplete existing ground water resource, especially as the proposed project is a commercial project and not residential.

d) The project has been designed to reduce the storm water runoff by implementing porous asphalt and the planned system is sufficient to handle the drainage for the site.

e & f) According to the Elsinore Area Plan and RCLIS, the proposed project is not located within a FEMA designated 100-year Flood Zone. Therefore, the project will not create impacts by placing housing within a 100-year flood hazard area. No impacts are anticipated.

h) The proposed project will not include new or retrofitted stormwater Treatment Control Best Management Practices (BMP's).

Mitigation: No mitigation measures are required

Monitoring: No monitoring measures are required

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

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

NA - Not Applicable U - Generally Unsuitable R - Restricted

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

Source: Riverside County General Plan Figure S-9 "100- and 500-Year Flood Hazard Zones," Figure S-10 "Dam Failure Inundation Zone," Riverside County Flood Control District Flood Hazard Report/Condition, GIS database

Findings of Fact: a) The proposed project site is generally flat. Grading and preparation of the site for development will alter the existing drainage pattern of the site; however, utilizing the porous asphalt will reduce significant runoff.

b) Project development would increase the amount of impervious surface area by covering land that is currently pervious, thereby increasing surface water runoff and reducing absorption rates. The project will result in changes in absorption rates and the rate and amount of surface runoff from the project site. However, this issue shall be mitigated by the use of porous asphalt.

c) There are no dams or levees in proximity of the project site area, and development of the project site would not result in adverse conditions that could weaken or damage flood-control structures. The project site is not located in a Dam Inundation Area. Therefore, no impacts are expected as a result of the project.

d) The closet water body in proximity to the project is the Murrieta Creek, located approximately 650 feet southwest of the site. Since the project is utilizing the porous asphalt, it is unlikely that there will be an increase in the amount of surface water that will be diverted into the Creek. The site is designed to only discharge water in amounts less than existing conditions and shall not change the amount of water level reaching Murrieta Creek.

Mitigation: No mitigation measures are required

Monitoring: No monitoring measures are required

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

Source: RCIP, GIS database, Project Application Materials

Findings of Fact: a) The project site is located in an area that is currently planned for Community Development, Commercial land use. The proposal conforms to the land use and therefore is not significant.

b) The project is located in the community of Wildomar. The Wildomar MAC has reviewed the project and has provided recommendation during the development process.

Mitigation: No mitigation measures are required

Monitoring: No monitoring measures are required

26. Planning	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a) Be consistent with the site's existing or proposed zoning?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Be compatible with existing surrounding zoning?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be compatible with existing and planned surrounding land uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be consistent with the land use designations and policies of the Comprehensive General Plan (including those of any applicable Specific Plan)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Source: Riverside County General Plan Land Use Element, Staff review, GIS database

Findings of Fact: a & d) The sites current zoning is Rural Residential (R-R) which is not consistent with the General Plan Land Use Designation of Commercial Retail (CR). Therefore, the project has proposed a zone change in order to bring the project site into conformance. These changes and the proposed project uses are in conformance with the Elsinore Area Plan and the Wildomar General Plan Amendment.

b) The site is located in a developing area with the surrounding zoning consisting of General Commercial (C-1/C-P), Rural Residential (R-R), and One-Family Dwelling (R-1). Given the intention of the area to be commercial via the General Plan Land Use Designations, the proposed change of zone to General Commercial (C-1/C-P) is compatible with the surrounding zoning.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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c) The site is surrounded on the north, south and east by areas listed as Commercial Retail (CR), with Medium Density Residential (MDR) to the west. The propose land use of an automobile repair garage is compatible with the existing and planned land uses.

e) The project will not disrupt or divide the physical arrangement of an established community.

Mitigation: No mitigation measures are required

Monitoring: No monitoring measures are required

MINERAL RESOURCES Would the project

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

Source: Riverside County General Plan Figure OS-5 "Mineral Resources Area"

Findings of Fact: a) The proposed project site does not contain any known mineral resources. Figure OS-5 of the Riverside County General Plan shows that the project site has been classified by the State Mining and Geology Board as "MRZ-3". The General Plan provides the following definition for "MRZ-3": "Areas where the available geologic information indicates that mineral deposits are likely to exist, however, the significance of the deposit is undetermined." The site has not been designated for mineral resource related uses; therefore impacts are considered less than significant.

b) Figure OS-5 of the General Plan shows that the project site has been classified by the State Mining and Geology Board as "MRZ-3". The General Plan provides no specific policies regarding property identified as "MRZ-3" and has not designated the project for mineral resource related uses. Therefore, impacts are considered less than significant.

c) There are no existing surface mines or designated mineral resource areas located near the project site. No impacts are anticipated.

d) The project site is not located in an area that exposes people or property to hazards for proposed, existing or abandoned quarries or mines. No impacts are anticipated.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Mitigation: No mitigation measures are required

Monitoring: No mitigation measures are required

NOISE Would the project result in

Definitions for Noise Acceptability Ratings

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

NA - Not Applicable

A - Generally Acceptable

B - Conditionally Acceptable

C - Generally Unacceptable

D - Land Use Discouraged

28. Airport Noise

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

NA A B C D

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

NA A B C D

Source: Riverside County General Plan Figure S-19 "Airport Locations," County of Riverside Airport Facilities Map

Findings of Fact: a) According to the Riverside County General Plan, the project site is not located within an airport land use plan or within two miles of a public airport that would expose residents in the project site to excessive noise levels. Therefore, impacts exposing people residing in the project area to excessive noise levels are considered to be less than significant.

b) Skylark Airport is a small private airstrip located in the City of Lake Elsinore. The project site is located approximately 4.2 miles from the airport. The project is not located within its influence area, or within its safety zones. Therefore, impacts exposing people residing in the project to excessive noise levels are considered less than significant.

Mitigation: No mitigation measures are required

Monitoring: No monitoring measures are required

29. Railroad Noise

NA A B C D

Source: Riverside County General Plan Figure C-1 "Circulation Plan", GIS database, On-site Inspection

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Findings of Fact: The project site is not located near an active railroad line. No impacts are anticipated for the proposed project.

Mitigation: No mitigation measures are required

Monitoring: No monitoring measures are required

30. Highway Noise

NA A B C D

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Source: On-site Inspection, Project Application Materials

Findings of Fact: Interstate-15 is located .62 miles east of the project site. Interstate-15 sits below grade level and appropriate measures exist to prevent noise from the Interstate. Therefore, impacts are considered less than significant.

Mitigation: No mitigation measures are required

Monitoring: No monitoring measures are required

31. Other Noise

NA A B C D

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Source: Project Application Materials, GIS database

Findings of Fact: No other noise impacts are anticipated to affect the project

Mitigation: No mitigation measures are required

Monitoring: No monitoring measures are required

32. Noise Effects on or by the Project

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

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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b) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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c) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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d) Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Source: Project Application Materials and a Noise Impact Study prepared by Giroux & Associates dated February 27, 2008

Findings of Fact: a-c) The proposed use is an automotive service facility. According to the Noise Impact Study, the noise impacts of the operation from the facility will not affect any existing residential structures. The closest structures are over 400 feet from the site. However, there may be the potential for impacts to future residential structures if they are constructed nearer than 400 feet. The proposed condition as presented in the Noise Impact Study, of restriction of the hours of operation to 7:00 AM to 10:00 PM is recommended and incorporated in the Conditions of Approval

Mitigation: No mitigation measures are required

Monitoring: No monitoring measures are required

POPULATION AND HOUSING Would the project

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

Source: Project Application Materials, GIS database, Riverside County General Plan Housing Element

Findings of Fact: a & c) The proposed project development will not displace substantial numbers of existing housing, which would require the construction of replacement housing. The development of the proposed project does not impact the development of substantial numbers of existing housing, necessitating the construction of replacement housing.

b) As this is a commercial project employing mostly skilled workers, there will not be a need for increased housing for those households earning 80% or less of the County's median income.

d & e) The project will not affect the local population projections and is not located in a redevelopment area.

f) The improvements to the off-site streets will not necessitate a direct or indirect population growth.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Mitigation: No mitigation measures are required

Monitoring: No monitoring measures are required

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

34. Fire Services

Source: Riverside County General Plan Safety Element

Findings of Fact: Fire services will be provided by the Riverside County Fire Department. The nearest station is located approximately 2.2 miles northwest of the project site. The project has the potential to impact fire services. Therefore, the project applicant will be conditioned to pay development impact fees pursuant to Ordinance No. 659.6 and standard County Condition of Approval No. 10.Planning.13, which stipulates a portion of those fees will go toward offsetting development impacts on Fire Services. The project will be conditioned to pay development impact fees under Ordinance No. 659.6 and is implementing approved land uses under the Riverside County General Plan, therefore, impacts to Fire Services are considered less than significant

Mitigation: No mitigation measures are required

Monitoring: No monitoring measures are required

35. Sheriff Services

Source: RCIP

Findings of Fact: Sheriff services will be provided by the Riverside County Sheriff's Department. Therefore, the project applicant will be conditioned to pay development impact fees pursuant to Ordinance No. 659.6 and standard County Condition of Approval No. 10.Planning.13, which stipulates a portion of those fees to go toward offsetting development impacts on Sheriff Services. Since the project will be conditioned to pay development impact fees under Ordinance No. 659.6 and since the project is implementing approved land uses under the Riverside County General Plan, impacts to Sheriff Services are considered less than significant.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Mitigation: No mitigation measures are required

Monitoring: No monitoring measures are required

36. Schools

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Source: Lake Elsinore School District, GIS database

Findings of Fact: The proposed project is located within the Lake Elsinore Unified School District (LEUSD). This type of project will not include children who will require school services from LEUSD. Pursuant to state law (SB 50 and Proposition 1A) and County Ordinance No. 659.6, the project applicant will be required to pay school impact fees to LEUSD, which stipulates a portion of those fees to go toward offsetting development impacts associated with new development and its impact on area schools. Since the project will be conditioned to pay development impact fees under Ordinance No. 659.6 impacts to schools are considered less than significant

Mitigation: No mitigation measures are required

Monitoring: No monitoring measures are required

37. Libraries

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Source: RCIP

Findings of Fact: Library services are provided by the Riverside County Public Library System. The proposed development will be serviced by a library located at the intersection of Bundy Canyon Road and Mission Trail. The proposed project will be required to pay development impact fees under Ordinance 659.6 pursuant to County Condition of Approval No. 10.Planning.13, of which a portion is set aside to purchase library materials. Therefore, since the project will be paying its fair share of library impact fees, impacts are considered less than significant.

Mitigation: No mitigation measures are required

Monitoring: No monitoring measures are required

38. Health Services

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Source: RCIP

Findings of Fact: The project site will be served by Inland Valley Regional Medical Center, located at 36485 Inland Valley Drive, approximately .62 miles southeast of the project site. Because the site is located within the service area of a health care facility and will be able to serve the project, impacts are considered less than significant

Mitigation: No mitigation measures are required

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Monitoring: No monitoring measures are required

RECREATION

39. Parks and Recreation

a) Would the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Would the project include the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Is the project located within a C.S.A. or recreation and park district with a Community Parks and Recreation Plan (Quimby fees)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Source: GIS database, Ord. No. 460, Section 10.35 (Regulating the Division of Land – Park and Recreation Fees and Dedications), Ord. No. 659 (Establishing Development Impact Fees), Parks & Open Space Department Review

Findings of Fact: a & b) The proposed project will not impact any recreational facilities either existing or proposed.

c) The project is located in the County of Riverside CSA 152. Under Section 10.35 of Ordinance 460 (implementing the Quimby Act) the project applicant is required to provide local park facilities or fees in lieu thereof. Therefore, since the project will be paying Quimby fees, pursuant to Ord. No. 460, impacts are considered less than significant.

Mitigation: No mitigation measures are required

Monitoring: No monitoring measures are required

40. Recreational Trails

	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Source: Riv. Co. 800 Scale Equestrian Trail Maps, Open Space and Conservation Map for Western County trail alignments

Findings of Fact: The project is located along a dedicated trail corridor and has provided a 10 foot wide multi-purpose trail as shown on the approved Exhibit A

Mitigation: No mitigation measures are required

Monitoring: No monitoring measures are required

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
TRANSPORTATION/TRAFFIC Would the project				
41. Circulation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated road or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Alter waterborne, rail or air traffic?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Cause an effect upon, or a need for new or altered maintenance of roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Cause an effect upon circulation during the project's construction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Result in inadequate emergency access or access to nearby uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Conflict with adopted policies supporting alternative transportation (e.g. bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Source: RCIP

Findings of Fact: a) The development of the commercial center will likely increase the number of vehicles turns and use of Palomar Street. The project proposed improvements to Palomar Street that will mitigate for the impacts.

b) The project has provided for 102 standard and 5 handicap accessible parking spaces which are sufficient, and no other impacts are anticipated.

c) The proposed project is relatively small in size and will not affect the cumulative traffic congestion in the surrounding area and as the project is located in Zone "A" of the Southwest Road and Bridge Benefit District, the applicant will be required to pay the required fees prior to the issuance of a building permit. Said fees are cumulatively required to improve the congestion in the area and with this fee being assessed the impact is considered less than significant.

d - f) The project will have no impact on any air, rail or waterborne traffic, no will the project, which fronts on a small, straight section of Palomar Street, have any impact on design features.

g) The project proposed to widen Palomar Street to the proper width as determined by the Riverside County Transportation Department (80.Trans 4).

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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h) Most of the project construction will take place on site and has been conditioned for traffic control during construction of the off-site improvements in order to alleviate any impacts to circulation or emergency access to either the project site or nearby properties.

j) The project has been design to incorporate the General Plan Circulation Elements in order to be supportive of all current policies, and no other portion of the project will conflict with adopted policies supporting alternative transportation uses.

Mitigation: No mitigation measures are required

Monitoring: No monitoring measures are required

42. Bike Trails

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Source: RCIP

Findings of Fact: The project's approved Exhibit A includes the provision for a 10 foot wide multi-purpose trail to be developed by the applicant and therefore any impact is considered less than significant.

Mitigation: No mitigation measures are required

Monitoring: No monitoring measures are required

UTILITY AND SERVICE SYSTEMS Would the project

43. Water

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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a) Require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which would cause significant environmental effects?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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b) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

Source: Department of Environmental Health Review

Findings of Fact: a) Potable water will be provided by Elsinore Valley Municipal Water Company. It is not anticipated that the project will require new or expanded water treatment facilities. So the construction would not cause significant environmental effects. Water will be installed in accordance with the requirements of the Riverside County Department of Environmental Health. Impacts are considered to be less than significant.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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b) The proposed project site is located within Elsinore Valley Municipal Water District service area. In January 2002, Senate Bill (SB) 610 went into effect requiring projects of certain densities to obtain a Water Source Assessment from the water provider to determine whether or not there are sufficient water supplies to serve the proposed projects. The proposed project includes densities not subject to SB 610 requirements. Impacts to water are anticipated to be less than significant

Mitigation: No mitigation measures are required

Monitoring: No monitoring measures are required

44. Sewer

a) Require or result in the construction of new wastewater treatment facilities, including septic systems, or expansion of existing facilities, the construction of which would cause significant environmental effects?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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b) Result in a determination by the wastewater treatment provider that serves or may service the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Source: Department of Environmental Health Review

Findings of Fact: a) Sewer services will be provided by Elsinore Valley Municipal Water District. It is not anticipated that the project will require new or expanded waste water treatment facilities, including septic systems, the construction of which would cause significant environmental effects. Sewer facilities will be installed in accordance with the requirements of the Riverside County Department of Environmental Health. Impacts are considered to be less than significant.

b) The Elsinore Valley Municipal Water District has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. EVMWD has three wastewater treatment facilities and the largest is the District's Regional Wastewater Facility. It is designed for 8 MGD and current treats only 6 MGD. Its service area covers the City of Lake Elsinore, Wildomar, portions of Murrieta and Lakeland Village. This wastewater treatment facility has adequate capacity to serve the project site. Impacts are considered to be less than significant.

Mitigation: No mitigation measures are required

Monitoring: No monitor measures are required

45. Solid Waste

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

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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b) Comply with federal, state, and local statutes and regulations related to solid wastes (including the CIWMP (County Integrated Waste Management Plan)?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Source: RCIP, Riverside County Waste Management District correspondence

Findings of Fact: a) Landfill services will be managed by the Riverside County Waste Management Department. Solid waste from the project site will be disposed at one of three landfills: the El Sobrante Landfill, located east of I-15, south Cajalco Road in the unincorporated area of Lake Mathews; the Badlands Landfill, located northeast of the City of Moreno Valley at 31125 Ironwood Avenue and accessed from State Highway 60 at Theodore Avenue; and the Lamb Canyon Landfill, located approximately 27 miles to the northeast of the project site between the cities of Beaumont and San Jacinto. According to the Riverside County Waste Management Department, the total annual waste capacity of these landfills is 6,205,000 tons. Using a waste generation factor of 0.20 tons per unit, per year the estimated waste generation for this project is approximately 1.6 tons per year. This represents approximately 0.0003 percent of the yearly waste stream at the landfills. Thus the proposed project will be served by landfills with sufficient permitted capacity to accommodate the proposed project. Impacts are considered to be less than significant.

b) The County of Riverside General Plan policies regarding solid waste management for new developments seek to ensure adequate life expectancy exists in a sanitary disposal site within a reasonable distance and that onsite collection occurs at least once a week for residential developments. In addition, state law (AB 939) requires the County's waste management plan to include a 50% reduction in solid waste by January 1, 2000. The project will comply with all regulatory requirements regarding solid waste. Impacts regarding federal, state, and local statutes and regulations relating to solid waste are considered to be less than significant.

Mitigation: No mitigation measures are required

Monitoring: No monitoring measures are required

46. Utilities

Would the project impact the following facilities requiring or resulting in the construction of new facilities or the expansion of existing facilities; the construction of which could cause significant environmental effects?

a) Electricity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Natural gas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Communications systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Storm water drainage?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Street lighting?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Maintenance of public facilities, including roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Other governmental services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Conflict with adopted energy conservation plans?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Source: RCIP

Findings of Fact: a) The project will use existing electricity service provided by Southern California Edison Company. Line extensions or service extensions will have to be made prior to building construction. Extending electricity service to the proposed project will be considered less than significant.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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b) The project will use natural gas service provided by Southern California Gas Company. Extensions will have to be made to proposed project building and the extending of the natural gas service to the proposed project will be considered less than significant.

c) The project will use existing communication service provided by SBC/Pac Bell. Extensions will have to be made to the proposed project building. Since service exists for the adjacent residences, extending communication services to the proposed project will be considered to be less than significant.

d) The project will require the construction of a porous type asphaltic concrete pavement which will allow the storm water to infiltrate the ground more naturally. Construction of these facilities is not expected to cause adverse environmental impacts.

e) The proposed project will require new street lighting along the project's frontages. However, the amount of new street lighting construction needed is not considered to be a significant impact.

f) The project will be required to pay development impact fees under Ordinance No. 659.6, of which a portion is allowed to provide money for road improvements in the project area, therefore, impacts are considered to less than significant.

g) No other governmental services are expected to be required for the project, and therefore, no impacts are anticipated.

h) The proposed project will meet all requirements of Title 24 California Code of Regulations construction for energy savings, but there is no energy conservation plans associated with the ELAP which would affect the project site. Therefore, no impacts to energy conservation plans are anticipated.

Mitigation: No mitigation measures are required

Monitoring: No mitigation measures are required

MANDATORY FINDINGS OF SIGNIFICANCE

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

Source: Staff review, Project Application Materials

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Findings of Fact: Implementation of the proposed project would not degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife populations to drop below self sustaining levels, threaten to eliminate a plant or animal community, or 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.

48. Does the project have the potential to achieve short-term environmental goals, to the disadvantage of long-term environmental goals? (A short-term impact on the environment is one that occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Source: Staff review, Project Application Materials

Findings of Fact: The proposed project does not have the potential to achieve short-term environmental goals, to the disadvantage of long-term environmental goals.

49. Does the project have impacts which are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects as defined in California Code of Regulations, Section 15130)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Source: Staff review, Project Application Materials

Findings of Fact: The project does not have impacts which are individually limited, but cumulatively considerable.

50. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Source: Staff review, project application

Findings of Fact: The proposed project would not result in environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly.

VI. EARLIER ANALYSES

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration as per California Code of Regulations, Section 15063 (c) (3) (D). In this case, a brief discussion should identify the following:

Earlier Analyses Used, if any:

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

Location: County of Riverside Planning Department
4080 Lemon Street, 9th Floor
Riverside, CA 92505

Y:\Planning Case Files-Riverside office\PP22249\PP22249 EA (3-25-08).doc
Revised: 8/7/06

ATTACHMENT B

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, APPROVING CHANGE OF ZONE 7440 (CITY PROJECT NO. 08-0162) TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF WILDOMAR FROM RURAL RESIDENTIAL (R-R) TO GENERAL COMMERCIAL (C-1/C-P) FOR A 2.28 ACRE SITE LOCATED AT THE NORTHWEST CORNER OF PALOMAR STREET AND KILGORE LANE (ASSESSOR'S PARCEL NO. 380-140-004)

THE WILDOMAR CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1: ENVIRONMENTAL FINDINGS. The City Council , 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 November 10, 2010 and documents incorporated therein by reference and any other evidence (within the meaning of Public Resources Code §21080(3) and §21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines with regard to the application submitted by Kenny Robles the owner of record of the property located at northwest corner of Palomar Street and Kilgore Lane and known as Assessor's Parcel No. 380-140-004 is found to be in compliance with requirements of the California Environmental Quality Act ("CEQA"), and that the City Council's adoption of a 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.

SECTION 2. General Plan Consistency Findings. The City Council hereby finds that the proposed amendment to the Official Zoning Map conforms with, and consistent with, the provisions, text, and exhibits of the adopted General Plan.

SECTION 3. ZONE CHANGE. The Official Zoning Map for the City of Wildomar is hereby amended to change the 2.28 acre parcel located at the northwest corner of Palomar Street and Kilgore Lane (Assessor's Parcel No. 380-140-004) from Rural Residential (R-R) to General Commercial (C-1/C-P).

SECTION 4. This Ordinance shall take effect and be in full force and operation thirty (30) days after adoption.

SECTION 5. If any section, subsection, subdivision, sentence, clause, or portion of this ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have adopted this ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections,

subsections, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 7. The city clerk shall certify to the adoption of this ordinance and shall cause the same to be published in accordance with law.

ADOPTED AND ENACTED this _____ day of _____, 2010.

Bridgette Moore
Mayor

APPROVED AS TO FORM:

ATTEST:

Julie Hayward Biggs
City Attorney

Debbie A. Lee, CMC
City Clerk

ATTACHMENT C

RESOLUTION NO. 2010 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, APPROVING PLOT PLAN 22249 (CITY PROJECT NO. 08-0162) FOR THE DEVELOPMENT OF A 17,288 SQUARE-FOOT MULTI-TENANT AUTOMOTIVE REPAIR/RETAIL CENTER (ROBLES AUTOMOTIVE CENTER) ON A 2.28 ACRE SITE LOCATED AT NORTHWEST CORNER OF PALOMAR STREET AND KILGORE LANE (ASSESSOR'S PARCEL NO. 380-140-004)

WHEREAS, an application for Change of Zone 7440 and Plot Plan 22249 (Project No. 08-0162) to allow for the development of an automotive commercial building totaling 17,288 square feet on a 2.28 acre site was been filed by:

Applicant/Owner: Kenny Robles
Project Location: Northwest corner of Palomar Street and Kilgore Lane
APN Number: 380-140-004

WHEREAS, The County of Riverside Planning Commission, at a regularly scheduled meeting on June 11, 2008, recommended approval of the project to the Board of Supervisors; and

WHEREAS, The County of Riverside was unable to present the project to the Board of Supervisors for consideration prior to the City of Wildomar's incorporation on July 1, 2008; and

WHEREAS, The County of Riverside Planning Department did transfer Mr. Robles' application to the City of Wildomar to complete the processing of the proposed project; and

WHEREAS, the City Council, at a regularly scheduled meeting, conducted a duly noticed public hearing and considered the Project and environmental review on January 28, 2009, at which time the City staff and interested persons had an opportunity to and did testify either in support or in opposition to this matter; and

WHEREAS, at the conclusion of the City Council public hearing, the City Council continued Plot Plan 08-0162 (Plot Plan 22249); and

WHEREAS, on October 30, 2010, the applicant resubmitted plans and materials to the City of Wildomar; and

WHEREAS, on October 30, 2010, 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 November 10, 2010 the City Council held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the project.

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

SECTION 1. ENVIRONMENTAL FINDINGS

The City Council, 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 November 10, 2010 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 that the approval of this Plot Plan is in compliance with requirements of the California Environmental Quality Act ("CEQA"), in that on November 10, 2010 at a duly noticed public hearing, the City Council adopted a 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 Road, Suite 201, Wildomar, CA 92595.

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

The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.

SECTION 3. PLOT PLAN FINDINGS.

Pursuant to Wildomar Municipal Code Chapter 17.216.040 and in light of the record before it including the staff report dated November 10, 2010 and all evidence and testimony heard at the public hearing of this item, the City Council hereby finds as follows:

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

The proposed use is consistent with the General Plan in that the proposed land use is a permitted use in the C-1/C-P zone district. The proposed use is a

commercial use by definition and is provided for in the Commercial Retail land use category. The proposed project with auto repair uses is also consistent with the development standards of the zone, including but not limited to, building setbacks, building size and location, site access, parking and landscaping.

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

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

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

The proposed project has been designed to conform to a logical pattern of development as envisioned by the General Plan. The properties to the south, east and west have a General Plan Land Use Designation of Commercial Retail. The property to the north is Medium Density Residential and has already been partially developed for residential use. This residential development has constructed a six foot high block wall along the adjacent property line. Between this development and the project site there is a natural drainage channel creating an additional setback. Consequently, the project is compatible with the surrounding area.

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

The project is located at the northwestern corner of Clinton Keith Road and Kilgore Lane. Access to the site will be from multiple driveways off of Kilgore Lane. The project is required to construct additional improvements along Clinton Keith Road and construct half of Kilgore Lane along the project frontage. These improvements will include curb, gutter, and sidewalk, as well as an extension of the trail along Palomar Street already installed by the adjacent single family residential tract.

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

The construction of the Project has been conditioned to comply with all applicable City ordinances, codes, and standards including, but not limited to, the relating to storm water runoff management and other drainage controls regulations (i.e., WQMP). The project drainage design will capture storm runoff

in the catch basin filters and/or sub-surface detention basin incorporated into the project design and release runoff back into the natural stream channels without substantially altering the existing drainage pattern and without causing substantial erosion or siltation.

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

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

SECTION 4. CITY COUNCIL ACTION.

The City Council hereby approves Plot Plan 08-0162 subject to the attached conditions of approval (Exhibit A) and incorporated herein by reference.

PASSED, APPROVED, AND ADOPTED this 10th day of November, 2010.

Bridgette Moore
Mayor

APPROVED AS TO FORM:

ATTEST:

Julie Hayward Biggs
City Attorney

Debbie A. Lee, CMC
City Clerk

EXHIBIT A
CITY OF WILDOMAR
CONDITIONS OF APPROVAL

Planning Application Number: Plot Plan (Project No. 08-0162)	
Project Description: The development of a 17,288 square-foot building for use as an automotive service and retail center on 2.28 acres located at the northwest corner of Palomar Street & Kilgore Lane.	
Assessor's Parcel Number(s): 380-140-004	
Council Approval Date: Nov. 10, 2010	Expiration Date: November 10, 2012

Within 48 Hours of the Approval of This Project

1. The applicant/developer shall deliver to the Planning Department a cashier's check or money order made payable to the County Clerk in the amount of Two Thousand Fifty Seven Dollars (\$2,074.25) which includes the One Thousand Nine Hundred Ninety Three Dollars (\$2,010.25) 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.

Concurrence with, and Acknowledgement of the Receipt of, these Conditions of Approval:

Applicant's Signature

Date

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 this plot plan shall comply with the provisions of Title 17 (formerly 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 three (3) 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 41118.
6. The development of the premises shall substantially conform to the approved site plan and elevations contained on file with the Planning Department.
7. The developer shall obtain City approval for any modifications or revisions to the approval of this project. Deviations not identified on the plans may not be approved by the City, potentially resulting in the need for the project to be redesigned. Amended entitlement approvals may be necessary as a result.
8. For automotive and repair uses located on the north side of the building facing single family development within Tract 30839, when any residential development that occurs within 400 feet of the projects buildings the hours of operation shall be limited to 7:00 AM to 8:00 PM Monday through Saturday.

9. The Applicant shall dedicate, design and construct all public improvements in accordance with City of Wildomar Improvement Plan Check Policies, as further conditioned herein, and Standards and to the satisfaction of The City Engineer.
10. The developer, or the land divider's successor-in-interest, shall be responsible for the maintenance of any trail easement required under these conditions until such time as the maintenance is taken over by an appropriate maintenance district.
11. Landscaping installed for the project shall be continuously maintained to the satisfaction of the Planning Director. If it is determined that the landscaping is not being maintained, the Planning Director shall have the authority to require the property owner to bring the landscaping into conformance with the approved landscape plan. The continued maintenance of all landscaped areas shall be the responsibility of the developer or any successors in interest.
12. The Applicant shall submit to the Planning Department for the permanent files 8" X 10" glossy photographic color prints of the approved color and materials board and the colored architectural elevations. All labels on the color and materials board and Elevations shall be readable on the photographic prints.
13. All downspouts shall be internalized.
14. Roof-mounted mechanical equipment shall not be permitted within the subdivision, however, solar equipment or any other energy saving devices may be permitted with Planning Department approval.
15. Parking shall be shared across the site, including parking spaces in all lots that are a part of the project. If the project involves multiple lots, the applicant shall submit to the City a copy of a recorded Reciprocal Use Agreement, which provides for cross-lot access and parking across all lots.
16. No grading shall be performed without the prior issuance of a grading permit by the City.
17. 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.
18. In order to mitigate any potential impacts to unknown subsurface archaeological resources during grading operations, if an archeological resource is encountered during grading activities all grading shall be halted or diverted until a qualified archaeologist can assess the resources.
19. No grading shall be performed without the prior issuance of a grading permit by the City. All grading shall conform to the California Building Code, Ordinance 457, and all other relevant laws, rules, and regulations governing grading in the City of Wildomar and prior. Prior to commencing any grading which includes 50 or more cubic yards, the applicant shall obtain a grading permit from the Building

Department. All grading and drainage shall be designed in accordance with the included conditions of approval regarding this application

20. Erosion control and landscape plans, required for manufactured slopes greater than 3 feet in vertical height, are to be signed by a registered landscape architect and bonded per the requirements of Ordinance 457. Planting shall occur within 30 days of meeting final grades to minimize erosion and to ensure slope coverage prior to the rainy season.
21. 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.
22. 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.
23. 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.
24. All sacred sites, should they be encountered within the project area, shall be avoided and preserved as the preferred mitigation, if feasible.
25. 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.
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 following public streets shall be improved to the satisfaction of the City Engineer.
 - A. Palomar Street shall be conveyed for public use and constructed to provide for 69 foot width right-of-way.
 - B. Kilgore Lane shall be conveyed for public use and constructed to provide for 39 foot width right-of-way
28. 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.
29. Blue retro-reflective pavement markers shall be mounted on private streets, public streets and driveways to indicate location of fire hydrants. Prior to installation, placement of markers must be approved by the Riverside County Fire Department.
30. Minimum required fire flow shall be 2000 GPM for a 2 hour 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 V 1HR construction per the 2001 CBC and Building(s) having a fire sprinkler system.
31. A combination of on-site and off-site super fire hydrant(s) (6"x4"x 2-2-1/2"), will 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. The required fire flow shall be available from any adjacent hydrants(s) in the system.
32. Applicant or Developer shall be responsible for obtaining under/aboveground fuel, chemical and mixed liquid storage tank permits, from the Riverside County Fire Department and Environmental Health Departments. Plans must be submitted for approval prior to installation. Aboveground fuel/mixed liquid tanks(s) shall meet the following standard: Tank must be tested and labeled to UL2085 Protected Tank Standard or SWRI 93-01. The test must include the Projectile Penetration Test and the Heavy Vehicle Impact Test. A sample copy of the tank's label from an independent test laboratory must be included with your plans.
33. The facility will require a hazardous waste permit if any hazardous waste as defined in Title 22 of the California Code of Regulations, Section 66260.10 and 66261.3 is generated. The report and review fee shall be provided to the Environmental Health Department.
34. Rapid entry Hazardous Material data and key storage cabinet shall be installed on the outside of the building. Plans shall be submitted to the Riverside County Fire Department for approval prior to installation.

35. Any gate providing access from a road to a driveway shall be located at least 35 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Where a one-way road with a single traffic lane provides access to a gate entrance, a 38 foot turning radius shall be used.
36. Gate(s) shall be automatic or manual operated, minimum 24 feet in width, with a setback of 35 feet from face of curb/flow line. Gate access shall be equipped with a rapid entry system. Plans shall be submitted to the Fire Department for approval prior to installation. Automatic/manual gate pins shall be rated with shear pin force, not to exceed 30 foot pounds. Automatic gates shall be equipped with emergency backup power. Gates activated by the rapid entry system shall remain open until closed by the rapid entry system. (current plan check deposit base fee is \$126.00)
37. 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 maintenance agreement.
38. The owner shall distribute environmental awareness education materials on general good housekeeping practices that contribute to protection of stormwater quality to all tenants. The developer may obtain NPDES Public Educational Program materials from the District's NPDES Section by either the District's website www.floodcontrol.co.riverside.ca.us, or the toll free number 1-800-506-2555. Please provide the project number, number of units and location of development. Note that there is a five-day minimum processing period requested for all orders.
39. This approval shall not be valid until all outstanding permit and application processing fee balances are paid in full. No extensions of time shall be granted unless all balances have been paid in full.

Prior to Issuance of Grading Permit(s)

40. No grading shall be performed without the prior issuance of a grading permit by the City. Ordinance 457 requires a grading permit prior to clearing, grubbing or any top soil disturbances related to construction grading.
41. 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.

42. No grading permit shall be issued until the applicant has obtained approval for the location of any off-site import/export material, as well as the associated haul route(s), for any required grading from the City Engineering. The Planning Director shall review the proposed import/export site and haul routes to determine if a new or modified environmental assessment is required. No grading permit shall be issued until any required environmental clearance has been approved by the Planning Director and any mitigation fees paid.
43. Prior to the issuance of a grading permit, the developer shall enter into an agreement with the Pechanga Band of Luiseño Indians to provide tribal monitors for all grading, excavation and groundbreaking activities, including all archaeological surveys, testing, and studies. All costs are to be compensated by the developer.
44. Prior to the issuance of a grading permit, the area mapped as "RIPARIAN/RIVERINE AREA" on the approved plot plan exhibit shall be clearly delineated on the Grading Plan to ensure that no disturbances are proposed within these areas. These areas shall be mapped and labeled "Delineated Constraint Area (MSHCP Avoidance)" on the Grading Plan to the satisfaction of the Planning Director.
45. Prior to grading permit issuance a qualified biological monitor shall be contracted to provide biological monitoring of the grading and construction activities. A work plan shall be submitted to the Planning Director to review and approve, from the qualified biological monitor that may include but not be limited to Best Management Practices (BMPs), fencing of Open Space/Conserved Areas, and monitoring reports. The applicant must provide evidence that the qualified biologist had reviewed all construction activities to minimize impacts to any sensitive species and habitats. The Planning Director may require additional documentation in the form of biological reports and/or site visit(s) to confirm completion.
46. Prior to the initiation of any grading activities, the area mapped as "RIPARIAN/RIVERINE AREA" shall be fenced to avoid impacts during grading and construction. Signs must clearly indicate that no impacts will occur within the fenced areas. A report will be submitted by a biologist documenting that the fencing has been completed and encompasses all Riparian/ Riverine habitat as it is defined in section 6.1.2 of the MSHCP. The only Riparian/Riverine areas that will not be fenced are those for which impacts have been proposed and accounted for in the document entitled "Determination of Biologically Equivalent or Superior Preservation" Dated: December 5, 2005, Revised: November 10, 2006. The document must be prepared by a biologist who has an MOU with the County of Riverside.
47. Prior to the issuance of a grading permit, a 30-day preconstruction Burrowing Owl Survey, in accordance with MSHCP guidelines and survey protocol, shall be conducted prior to ground disturbance. The results of the 30-day preconstruction

survey shall be submitted to the Planning Department prior to the commencement of any grading activities or the scheduling a pre-grading meeting with the Engineering Department. Re-occupation of the site by this species may result in the need to revise grading plans so that take of "active" nests is avoided or alternatively, a grading permit may be issued once the species has been actively relocated. If relocation is necessary, all relocation activities shall be performed outside of the nesting season (March 1 through August 31) by a qualified biologist. The following requirements shall be included in the Notes Section of the Grading Plan: *"No grubbing/clearing of the site shall occur prior to scheduling the pre-grading meeting with Engineering. All project sites containing suitable habitat for burrowing owls, whether owls were found or not, require a 30-day preconstruction survey that shall be conducted within 30 days prior to ground disturbance to avoid direct take of burrowing owls. If the results of the survey indicate that no burrowing owls are present on-site, then the project may move forward with grading, upon Planning Department approval. If burrowing owls are found to be present or nesting on-site during the preconstruction survey, then the following recommendations must be adhered to: Exclusion and relocation activities may not occur during the breeding season, which is defined as March 1 through August 31, with the following exception: From March 1 through March 15 and from August 1 through August 31 exclusion and relocation activities may take place if it is proven to the City and appropriate regulatory agencies (if any) that egg laying or chick rearing is not taking place. This determination must be made by a qualified biologist."*

48. Prior to issuance of a grading permit, the Applicant shall provide the Engineering Department evidence of compliance with the National Pollutant Discharge Elimination System (NPDES) and obtain a construction general permit from the State Water Resource Control Board (SWRCB).
49. Prior to the issuance of a grading permit, the applicant shall submit, and the City review and approve, a Final Water Quality Management Plan (WQMP) in conformance with the requirements of the San Diego Regional Water Quality Control Board. A copy of the improvement plans, grading plans and any other necessary documentation along with supporting hydrologic and hydraulic calculations shall be submitted to the City Engineer and, if applicable, to the Riverside County Flood Control District (RCFCD) for review and approval. The plans must receive District approval prior to issuance of grading permits. All submittals shall be date stamped by the engineer and include a completed Flood Control Deposit Based Fee Worksheet and the appropriate plan check fee deposit. All grading and drainage shall be designed in accordance with Riverside County Flood Control & Water Conservation District's conditions of approval regarding this application. If not specifically addressed in their conditions, drainage shall be designed to accommodate 100 year storm flows.
50. Prior to the issuance of a grading permit, geotechnical soils reports, required in order to obtain a grading permit, shall be submitted to the City Engineer for review and approval. All grading shall be in conformance with the

recommendations of the geotechnical/soils reports as approved by the City Engineer. The geotechnical/soils, compaction and inspection reports will be reviewed in accordance with the 'Riverside County Geotechnical Guidelines for Review of Geotechnical and Geologic Reports'.

51. Prior to the issuance of a grading permit, the developer shall pay the established fee for the Murrieta Creek/Wildomar Valley Area Drainage Plan. Drainage fees shall be paid (with cashier's check or money order only) to the District and a copy of the receipt provided to the City.
52. Prior to the issuance of a grading permit, the developer shall pay all necessary impact and mitigation fees required. These fees include, but are not limited to, fees associated with the Stephens Kangaroo Rat Habitat Conservation Plan and the Western Riverside Multiple Species Habitat Conservation Plan.
53. Prior to issuance of any grading permits, the Planning Department shall determine if the deposit based fees are in a negative balance. If so, any outstanding fees shall be paid by the applicant/developer.
54. Prior to the issuance of a grading permit, all of the foregoing conditions shall be complied with prior to the issuance of a grading permit.

Prior to Issuance of Building Permit(s)

55. 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.
56. Prior to the issuance of a building permit, the Developer shall demonstrate compliance with the California Title 24.
57. Prior to the issuance of a building permit, the improvement plans shall be approved by the City Engineer.
58. Prior to the issuance of a building permit, a "will-serve" letter from the appropriate water and sewer company/district shall be submitted to Environmental Health along with the filing fee in effect at the time of submittal.
59. Prior to the issuance of a building permit, the outdoor lighting for project shall conform with the requirements of Chapter 8.80 of the Wildomar Municipal Code (previously known as Ordinance 655). These items shall be shown on electrical plans submitted prior to the issuance of building permit and shall be reviewed and approved by the Building and Safety Department. No spill over of light onto adjacent properties or public rights of way is allowed.

60. 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.
61. Prior to issuance of building permits, three copies of a Shading, Parking, Landscaping, and Irrigation Plan, and one copy of the approved grading plan, shall be submitted to and approved by the Planning Department. The location, number, genus, species, and container size of plants shall be shown. Plans shall meet all requirements of Chapter 17.276 of the Wildomar Municipal Code (and associated implementation guidelines). The irrigation plan shall include a smart controller capable of adjusting watering schedule based on weather data. In addition, the plan will incorporate the use of in-line check valves, or sprinkler heads containing check valves to prohibit low head drainage.
62. Prior to the issuance of a building permit or to recordation of the final map whichever occurs first, the project proponent shall pay fees in accordance with Zone A of the Southwest Road and Bridge Benefit District.
63. 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.
64. Prior to issuance of building permits, the impacts to the Lake Elsinore Unified School District shall be mitigated in accordance with California State law.
65. Prior to issuance of a building permit, the developer shall submit Fire Alarm System Plans to the Fire Department for approval.
66. Prior to the issuance of a building permit, the applicant or developer shall separately submit two copies of the water system plans to the Fire Department for review and approval. Calculated velocities shall not exceed 10 feet per second. Plans shall conform to the fire hydrant types, location and spacing, and the system shall meet the fire flow requirements. Plans shall be signed and approved by a registered civil engineer and the local water company with the following certification: "I certify that the design of the water system is in accordance with the requirements prescribed by the Riverside County Fire Department."
67. Prior to the issuance of a building permit, the required water system, including all fire hydrant(s), shall be installed and accepted by the appropriate water agency and the Riverside County Fire Department. Approved water plans must be at the job site. Contact the Riverside County Fire Department to inspect the required fire flow, street signs, all weather surface, and all access and/or secondary.

68. Prior to issuance of building permits, the Planning Department shall determine if the deposit based fees are in a negative balance. If so, any outstanding fees shall be paid by the applicant/developer.
69. Prior to the issuance of a building permit, 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.

70. Prior to release of occupancy, the Applicant shall pay all necessary impact and mitigation fees required. These fees include, but are not limited to, fees associated with the Transportation Uniform Mitigation Fee (TUMF) and Development Impact Fees.
71. 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 Public Works 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.
72. Prior to occupancy, all street lights shall be installed in accordance with the street lighting plan and the standards of Ordinance 460 and 461. Annexation into a lighting and landscape maintenance district, or other mechanism acceptable to the City Engineer, shall also be completed.
73. Prior to occupancy, all landscaping within public road right-of-way shall comply with Engineering Department standards and Ordinance 461 and shall require approval by the City Engineer. Landscaping shall be improved within Palomar Street and Kilgore Lane. Assurance of continuous maintenance is required by processing and filing a 'Landscape Maintenance Agreement' through the Transportation Department Plan Check Division; or if desired the developer may file an application for annexation into Landscaping and Lighting Maintenance District No. 89-1-Consolidated by contacting the City Engineer.

74. Prior to occupancy, Palomar Street along project boundary shall be improved to the satisfaction of the City Engineer with the following:
 - A. An 8" concrete curb and gutter located 43 feet from centerline, 8" curbed edge of pavement landscaped median, and match up asphalt concrete paving; reconstruction; or resurfacing of existing paving within the 69 foot half-width dedicated right-of-way in accordance with Standard No. 92 and Standard No. 405.
 - B. A 5' sidewalk and a 10' Multi-purpose Trail shall be constructed within the 26' parkway per Standard 405.
 - C. Construct transition AC pavement tapering for acceleration and deceleration lane and join existing AC pavement to the west and/or east property boundaries as approved by Transportation Department.
75. Prior to occupancy, Kilgore Lane shall be improved to the satisfaction of the City Engineer with the following:
 - A. A 46' part-width AC pavement, (28' on the project side and 18' on the opposite side of the centerline),
 - B. A 6" concrete curb and gutter, and 6' sidewalk adjacent to the curb line within a 60' part-width dedicated right-of-way (39' on project side and 21' on opposite side of the centerline) in accordance with County Standard No. 111. A 6' sidewalk shall be constructed adjacent to the curb line within the 11' parkway.
76. Prior to final inspection, the Applicant shall replace or install (as appropriate) street name signs in accordance with City of Wildomar Improvement Standards and to the satisfaction of the City Engineer.
77. Prior to final inspection, if warranted, the Applicant shall reconstruct any deteriorated curb, gutter, sidewalk and/or pavement along the project's frontage to the satisfaction of Public Works. If pavement replacement is required, the Applicant may be required to grind, overlay, and/or slurry seal per City of Wildomar Road Improvement Standards & Specification, Improvement Plan Check Policies and Guidelines and to the satisfaction of Public Works.
78. Prior to release of power, building occupancy, or any use allowed by this permit, all structural BMP's described in the project-specific WQMP shall be constructed and installed in conformance with approved plans and specifications. It shall be demonstrated that the applicant is prepared to implement all non-structural BMP's described in the approved project specific WQMP and that copies of the approved project-specific WQMP are available for the future owners/occupants.
79. Prior to release of power, building occupancy, or any use allowed by this permit, install a complete fire sprinkler system per NFPA in all buildings requiring a fire

flow of 1500 GPM or greater. Sprinkler system(s) with pipe sizes in excess of 4" in diameter will require the project structural engineer to certify (wet signature) the stability of the building system for seismic and gravity loads to support the sprinkler system. All fire sprinkler risers shall be protected from any physical damage. The post indicator valve and fire department connection shall be located to the front, within 50 feet of a hydrant, and a minimum of 25 feet from the building(s). A statement that the building(s) will be automatically fire sprinkled must be included on the title page of the building plans.

Applicant or developer shall be responsible to install a U.L. Central Station Monitored Fire Alarm System. Monitoring system shall monitor the fire sprinkler system(s) water flow, P.I.V.'s and all control valves. Plans must be submitted to the Fire Department for approval prior to installation.

80. Prior to release of power, building occupancy, or any use allowed by this permit, all required fire hydrants, (6" x 4" x 2½") shall be installed and approved by the Fire Department.
81. Prior to certificate of occupancy, the developer shall install the manual and automatic Fire Alarm System to the satisfaction of the Fire Department.
82. Prior to certificate of occupancy, the developer shall 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" to center above floor level with maximum 4" projection from the wall.
83. Prior to installation, the placement of blue retro-reflective pavement markers must be approved by the Riverside County Fire Department.
84. Prior to certificate of occupancy, a business emergency plan for the storage of hazardous materials greater than 55 gallons, 200 cubic feet or 500 pounds, or any acutely hazardous materials or extremely hazardous substances, shall be submitted to the Environmental Health Department. Contact the Hazardous Materials Management Division, at (951) 358-5055 for any additional requirements.
85. Prior to certificate of occupancy, a business emergency plan for the storage of hazardous materials greater than 55 gallons, 200 cubic feet or 500 pounds, or any acutely hazardous materials or extremely hazardous substances, shall be submitted to the Environmental Health Department. Contact the Hazardous Materials Management Division, at (951) 358-5055 for any additional requirements.
86. Prior to release of occupancy, the applicant shall prepare and submit to the Fire Department for approval, a site plan designating required fire lanes with appropriate lane painting and/or signs.

87. Prior to final inspection, the applicant shall be required to screen all loading areas and roof mounted mechanical equipment from view of the adjacent residences and public right-of-ways. If upon final inspection it is determined that any mechanical equipment, roof equipment or backs of building parapet walls are visible from any portion of the public right-of-way adjacent to the project site, the developer shall provide screening by constructing a sloping tile covered mansard roof element or other screening reviewed and approved by the Planning Director.
88. Prior to final inspection, all required landscape planting and irrigation shall have been installed consistent with the approved construction plans and shall be in a condition acceptable to the Planning Director. The plants shall be healthy and free of weeds, disease, or pests. The irrigation system shall be properly constructed and in good working order. The applicant shall contact the Planning Department to schedule the final inspection(s).
89. Performance securities, in amounts to be determined by the Planning Director, to guarantee the maintenance of the plantings in accordance with the approved construction landscape and irrigation plan shall be filed with the Planning Department for a period of one year from final Certificate of Occupancy. After that year, if the landscaping and irrigation system have been maintained in a condition satisfactory to the Planning Director, the bond may be released upon request by the applicant.
90. Install portable fire extinguishers with a minimum rating of 2A-10BC and signage. Fire Extinguishers located in public areas shall be in recessed cabinets mounted 48" (inches) to center above floor level with maximum 4" projection from the wall. Contact Fire Department for proper placement of equipment prior to installation.
91. 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:

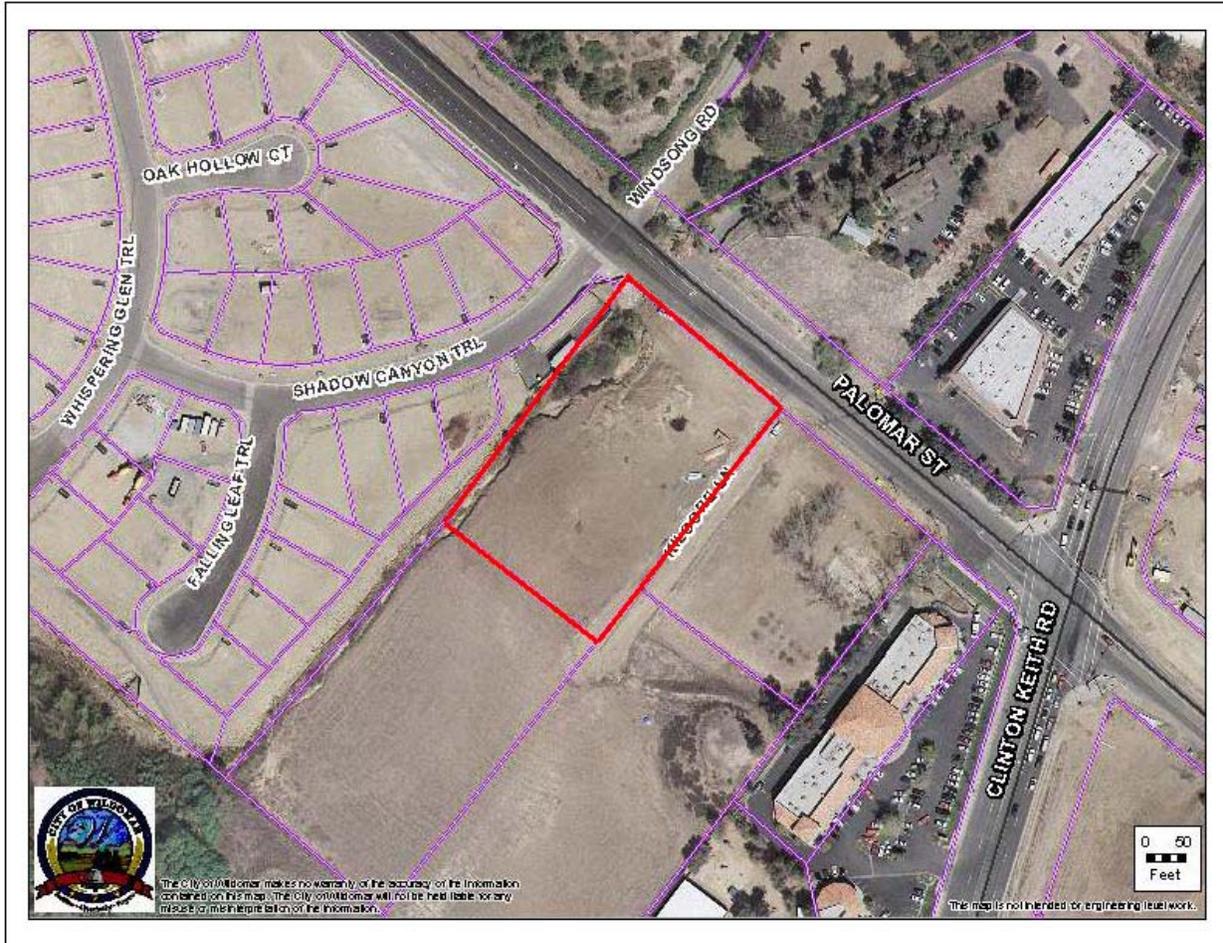
"Unauthorized vehicles parked in designated accessible spaces not displaying distinguishing placards or license plates issued for persons with disabilities may be towed away at owner's expense.
Towed vehicles may be reclaimed by telephoning (951) 245-3300"

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.

92. Prior to release of power, building occupancy, or any use allowed by this permit, the Planning Department shall determine if the deposit based fees are in a negative balance. If so, any outstanding fees shall be paid by the applicant/developer.
93. Prior to release of power, building occupancy, or any use allowed by this permit, all of the foregoing conditions shall be complied with prior to release of power, building occupancy, or any use allowed by this permit.

ATTACHMENT D

VICINITY MAP



ATTACHMENT E

ATTACHMENT F

ATTACHMENT G

ATTACHMENT H

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #2.2
PUBLIC HEARING
Meeting Date: November 10, 2010

TO: Mayor and City Council Members
FROM: Matthew C. Bassi, Planning Director
SUBJECT: City initiated code amendment to revise Title 17, Section 17.200 related to Conditional Use Permits - Zoning Code Amendment 10-06

STAFF REPORT

RECOMMENDATION:

The Planning Commission recommends that the City Council introduce an Ordinance entitled:

ORDINANCE NO. _____
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
WILDOMAR, CALIFORNIA, AMENDING TITLE 17, SECTION 17.200
RELATED TO TIME LIMITS AND EXTENSIONS FOR CONDITIONAL
USE PERMITS (ZONING CODE AMENDMENT 10-06)

BACKGROUND/DISCUSSION:

At its August 11, 2010 meeting, the City Council directed staff to prepare an Ordinance that would address the approval time frame and time extension requirements for Conditional Use Permits (CUP's). This direction followed the Council's discussion and approval of a one-year time extension for the Wildomar Square retail project (PM/CUP 08-0072).

The proposed Ordinance for Council consideration (Attachment A) establishes an initial two (2) year time frame for an approved CUP to commence operations. In addition, the applicant will have the ability to request a time extension for up to three (3) additional years which would provide for a maximum time frame of five (5) years.

The proposed Ordinance also gives the Planning Director the authority to approve a time extension provided the CUP: 1) remains consistent with General Plan, 2) remains in conformance with the requirements/standards of the Zoning Code, 3) the project remains compatible with the surrounding area, and 4) the time extension request is filed prior to the expiration date of the CUP.

Zoning Code Amendment 10-06 was recently reviewed by the Planning Commission at its October 6, 2010 meeting. In an unanimous vote of 5-0, the Planning Commission recommended City Council approval of the proposed code amendment and adoption of the Ordinance. A copy of the Planning Commission report and resolution providing additional detail is provided for Council review (Attachment B).

REQUIRED FINDINGS:

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

The proposed amendments to the Zoning Ordinance are consistent with and do not conflict with the provisions of the General Plan. The proposed changes effect the approval duration for land use entitlements which are consistent with the adopted General Plan and the land use and zoning requirements defined in the Zoning Ordinance. The proposed modifications to the zoning ordinance are consistent with and further implement the provisions of General Plan, and will not create problems detrimental to the public health, safety and general welfare of the residents of Wildomar.

ENVIRONMENTAL ASSESSMENT:

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

Submitted by:

Approved by:

Matthew C. Bassi
Planning Director

Frank Oviedo
City Manager

ATTACHMENTS:

- A. Proposed Ordinance for Zoning Code Amendment No. 10-06
- B. Planning Commission Staff Report & Resolution (Dated 10/6/10)

ATTACHMENT A

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, AMENDING SECTION 17.200.060 AND ADDING NEW SECTIONS 17.200.061, 17.200.062, 17.200.063, 17.200.064, 17.200.065, 17.200.066, 17.200.067, 17.200.068 AND 17.200.069 RELATING TO THE ISSUANCE OF EXTENSIONS OF TIME FOR CONDITIONAL USE PERMITS

WHEREAS, the City of Wildomar incorporated on July 1, 2008 and adopted the County Zoning Ordinance in effect at that time; and

WHEREAS, a request was made by a property owner to allow additional time to initiate development of a previously approved conditional use permit; and

WHEREAS, on August 11, 2010 the City Council considered the matter and provided direction to the Planning Commission to consider an ordinance allowing additional time to develop approved conditional use permits; and

WHEREAS, on September 25, 2010 the City gave public notice by the methods prescribed the Municipal Code announcing the holding of a public hearing at which the proposed ordinance would be considered by the Planning Commission; and

WHEREAS, on October 6, 2010 the Planning Commission, during a regularly scheduled meeting, considered the ordinance allowing for additional extensions of time for conditional use permits and recommended approval of said ordinance by the City Council;; and

WHEREAS, on October 30, 2010, the City gave public notice by the methods prescribed the Municipal Code announcing the holding of a public hearing at which the proposed ordinance would be considered by the City Council; and

WHEREAS, on November 10, 2010, the City Council, during a regularly scheduled meeting, considered the ordinance allowing for additional extensions of time for conditional use permits.

THE WILDOMAR CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1: Environmental Findings. The City Council hereby finds and determines that the project consists of a zoning ordinance amendment related to the requirements and processes for extensions of time for conditional use permits and has no potential to impact the environment. The proposed ordinance does not alter the existing requirements that specific development projects comply with the provisions of the California Environmental Quality Act. Consequently, the proposed ordinance is exempt from CEQA review pursuant to Section 15061(b)(3) which states that if an activity is covered by the general rule that CEQA applies only to projects which have the potential

for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 2. General Plan Consistency Findings. The City Council hereby finds that the proposed amendments to the zoning ordinance relate to the requirements and processes for extensions of time for conditional use permits and do not conflict with the provisions of the General Plan or State Law.

SECTION 3: Amendment of the Zoning Code. Existing Section 17.200.060 of the Wildomar Municipal Code is hereby amended to read in its entirety as follows:

“17.200.060 Use of permit.

All conditional use permits granted pursuant to this chapter, including those previously approved by the County of Riverside prior to the incorporation of the City of Wildomar, shall be valid for two (2) years following the approval of the conditional use permit, unless the permit as granted specifies a shorter time period, and shall be null and void unless the use commences or the approved permit is extended by request of the permittee under the provisions of this chapter.”

SECTION 4: Additions to the Zoning Code. Sections 17.200.061, 17.200.062, 17.200.063, 17.200.064, 17.200.065, 17.200.066, 17.200.067, 17.200.068, and 17.200.069 are hereby added to the Wildomar Municipal Code to read as follows:

“17.200.061 Commencement of use.

The term "use" means either the beginning of substantial construction of facilities for the use that is authorized, which construction must thereafter be pursued diligently to completion, or the actual occupancy of existing buildings or land under the terms of the authorized use.

17.200.062 Request for extension of time.

Any conditional use permit approved pursuant to this chapter may be extended in accord with this chapter by request of the permittee submitted prior to its expiration.

17.200.063 Maximum project duration.

If extensions of time are granted, the total time allowed to begin construction or commence the use approved by the conditional use permit shall not exceed a period of five (5) years as calculated from the original effective date of the permit.

17.200.064 Filing of requests for extensions of time.

A request for an extension of time in which to begin construction or commence the use an approved conditional use permit may be filed with the planning director, on forms provided by the planning department and shall be accompanied by the processing fee or deposit established by the city council. Additional costs above the amount of the initial deposit shall be paid prior to the final action on the request.

17.200.065 Processing requests for extensions of time.

Within thirty (30) days following the filing of a request for an extension of time for a conditional use permit, the planning director shall review the application and make a determination thereon.

17.200.066 Grant of extension of time by the planning director.

- A. An extension of time may be granted by the planning director upon a determination that valid reasons exist for the failure of the permittee to implement the conditional use permit within the required period of time and that the request is consistent with the terms and conditions set forth in Section 17.200.067.
- B. Extension requests that are in compliance with the specified extension approval criteria contained in this ordinance may be approved, conditionally approved, or denied by the planning director without public notice or hearing. The planning director shall render the decision on the requested extension in writing. No extension shall be considered valid unless a written decision has been provided by the planning director.

17.200.067 Criteria to approve an extension of time.

Approval of any extension of time for an approved conditional use permit shall only be granted if all of the following conditions are met:

- A. The approved conditional use permit remains consistent with the adopted general plan.
- B. The approved conditional use permit remains in conformance with the requirements of the zoning code.
- C. The setting and local circumstances of the approved conditional use permit have not changed in such a way to make the previously approved permit incompatible or inappropriate with the surrounding area.

- D. The request for the extension was filed prior to the expiration date of the conditional use permit.

17.200.068 Appeal of planning director determination

Extension requests that are determined by the planning director not to be in compliance with the provisions of Section 17.200.067 may be appealed by the permittee to the city council pursuant to the provisions of Section 17.200.069. Appeals must be filed with the city clerk no later than ten (10) days following determination by the planning director.

17.200.069 Appeal hearing before city council.

Any appeal of an extension request that the planning director determines is not in full compliance with the specified extension approval criteria contained in Section 17.200.067 shall be heard by the city council at a noticed public hearing conducted in conformance with the public notice and hearing requirements specified in this chapter. The city council shall have discretion to approve, deny or approve with additional conditions the requested extension of time.”

SECTION 5. This Ordinance shall take effect and be in full force and operation thirty (30) days after adoption.

SECTION 6. If any section, subsection, subdivision, sentence, clause, or portion of this ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have adopted this ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 7. The city clerk shall certify to the adoption of this ordinance and shall cause the same to be published in accordance with law.

ENACTED AND ADOPTED this ____ day of _____, 2010.

Bridgette Moore
Mayor

APPROVED AS TO FORM:

ATTEST:

Julie Hayward Biggs
City Attorney

Debbie A. Lee, CMC
City Clerk

ATTACHMENT B

CITY OF WILDOMAR – PLANNING COMMISSION
Agenda Item # 5.2
PUBLIC HEARING
Meeting Date: October 6, 2010

TO: Chairman Devine and Members of the Planning Commission
FROM: David Hogan, Planning Director
SUBJECT: Conditional Use Permits – Duration of Approval

RECOMMENDATION:

Staff recommends that the Planning Commission adopt a resolution entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE ENTITLED “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR AUTHORIZING ADDITIONAL EXTENSIONS OF TIME FOR CONDITIONAL USE PERMITS” (ZONING CODE AMENDMENT 10-06)

BACKGROUND:

The current zoning ordinance contains the procedures and requirements for implementing the zoning ordinance. One of land use approvals discussed in the zoning ordinance is the conditional use permit. According to Section 17.200.060, a conditional use permit is valid for a total of three years unless the project is constructed/starts operation. The zoning ordinance also allows a conditional use permit to be initially approved for either a one or two year period with possible extensions of time to extend the total life of the approval to three years.

During the process of an extension of time for Wildomar Square (Project No. 08-0072), the City received a request to approve an extension of time for three years. This request was presented to the City Council at the August 11, 2010 meeting. Because of the national economic conditions staff felt that modifying the zoning code provision was a reasonable thing to consider. Consequently, staff provided two sample alternative to the City Council address the issue.

Option A. Adopt an ordinance to allow for more than a single 1-year extension of time for conditional use permits.

Option B. Adopt an ordinance allowing for a one time automatic extension for all conditional use permits similar to what the State has done with subdivision maps in recent years by allowing an additional time for maps that had not expired and had not yet recorded.

As part of the information provided to City Council's staff evaluated the conditional use permit requirements for the some of the surrounding jurisdictions. This additional information is provided in the table below. In all of the zoning ordinances for the other jurisdictions except the City of Lake Elsinore, the duration of the approval for a conditional use permit is identical to the duration of the approval for a plot plan/development plan. Plot plan (i.e. design review) approvals for the City of Lake Elsinore are valid for a total of four years. The initial approval periods and the maximum duration of the allowable extensions of time for conditional use permits are provided below.

Jurisdiction	Initial Approval	Maximum Extensions	Total Approval Period	Zoning Code References
Lake Elsinore	1 year	None	1 year	§17.168.080
Murrieta	2 years	3 years	5 years	§16.052.060.B, §16.080.060.A.4
Temecula	2 years	3 years	5 years	§17.040.010.G, §17.040.010.H
Wildomar	2 years	1 year	3 years	§17.200.060

At the August 11, 2010 meeting of the City Council, following the action to approve the 1-year extension of time for the Wildomar Square project, the Council discussed options and provided the following guidance to staff. Follow the concept of Option B but require the filing and approval of an application for an extension of time. If the request is consistent with the General Plan and the Zoning Ordinance, and still consistent with the surrounding area, then the planning director could approve the extension of time for up to three years. If the director determined that the conditional use permit did not meet these requirements, then the request would be forwarded to the City Council for consideration.

The City Attorney took this direction and prepared an ordinance that has an appeal of the Planning Director's decision to approve or deny the requested extension of time to the City Council. This accomplishes the direction of the City Council by have potentially inconsistent extensions of time (i.e. denial of the extension by the Planning Director) considered by the City Council.

DISCUSSION:

Based upon the direction of the City Council, the City Attorney has prepared an ordinance amending the current zoning code provisions located in Section 17.200.060. The proposed revision establishes new procedures for extensions of time on conditional use permits and breaks the existing long section 0.060 into smaller and easier to understand sections. The revisions to the ordinance are outlined below:

Section 17.200.060 Use of permit.

States that conditional use permits are good for an initial period of two years unless an extension is approved. This is consistent with the current ordinance provisions.

Section 17.200.061 Commencement of use.

Defines the term "use" to mean starting substantial construction. This is consistent with the current ordinance provisions.

Section 17.200.062 Request for extension of time.

Authorizes the submittal of an application for an extension of time. This is consistent with the current ordinance provisions.

17.200.063 Maximum project duration.

Allows a conditional use permit with approved extensions of time to be valid for up to five years.

17.200.064 Filing of requests for extensions of time.

Defines the extension of time application requirements, as being the requirements of the planning director. This is consistent with the current ordinance provisions.

17.200.065 Processing requests for extensions of time.

States that the planning director will make a decision on the requested extension of time within 30 days of a complete application.

17.200.066 Grant of extension of time by the planning director.

States that the planning director will use the criteria contained in Section 17.200.067 to either approve, conditionally approve, or deny a requested extension of time.

17.200.067 Criteria to approve an extension of time.

Defines the criteria to approve an extension of time as consistency with general plan and zoning code, and that the local circumstances having changed in a manner that makes the previously approved conditional use permit incompatible with the surrounding area.

17.200.068 Appeal of planning director determination

States that the decision of the planning direction to either approve, conditionally approve, or deny an extension of time can be appealed to the City Council.

17.200.069 Appeal hearing before city council.

Defines the appeal hearing process before the City Council.

Staff recommends that the Planning Commission consider the proposed ordinance contained in Attachment B and provide a recommendation to the City Council.

FINDINGS:

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

The proposed amendments to the Zoning Ordinance are consistent with and do not conflict with the provisions of the General Plan. The proposed changes effect the approval duration for land use entitlements which are consistent with the adopted General Plan and the land use and zoning requirements defined in the Zoning Ordinance. The proposed modifications to the zoning ordinance are consistent with and further implement the provisions of General Plan, and will not create problems detrimental to the public health, safety and general welfare of the residents of Wildomar.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

- A. Planning Commission Resolution
- B. Draft Ordinance
- C. Current Code Requirements

RESOLUTION NO. PC10-_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE ENTITLED “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR AUTHORIZING ADDITIONAL EXTENSIONS OF TIME FOR CONDITIONAL USE PERMITS” (ZONING CODE AMENDMENT 10-06)

WHEREAS, the City of Wildomar incorporated on July 1, 2008 and adopted the County Zoning Ordinance in effect at that time; and

WHEREAS, a request was made by a property owner to allow additional time to initiate development of a previously approved conditional use permit; and

WHEREAS, on August 11, 2010 the City Council considered the matter and provided direction to the Planning Commission to consider an ordinance allowing additional time to develop approved conditional use permits; and

WHEREAS, on September 25, 2010 the City gave public notice by the methods prescribed the Municipal Code announcing the holding of a public hearing at which the proposed ordinance would be considered; and

WHEREAS, on October 6, 2010 the Planning Commission, during a regularly scheduled meeting, considered the ordinance allowing for additional extensions of time for conditional use permits.

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, hereby recommends that the City Council find and determine that the project consists of a zoning ordinance amendment related to the requirements and processes for extensions of time for conditional use permits and has no potential to impact the environment. The proposed ordinance does not alter the existing requirements that specific development projects comply with the provisions of the California Environmental Quality Act. Consequently, the proposed ordinance is exempt from CEQA review pursuant to Section 15061(b)(3) which states that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 2. FINDINGS. The proposed amendments to the zoning ordinance relate to the requirements and processes for extensions of time for conditional use permits and do not conflict with the provisions of the General Plan or State Law.

SECTION 3. PLANNING COMMISSION ACTION. The Planning Commission hereby makes the following recommendations:

A. Notice of Exemption. That the City Council make a determination that the project is exempt from environmental review in accordance with the provisions of CEQA Guidelines Section 15061(b)(3).

B. Adopt an Ordinance. That the City Council adopt an ordinance entitled "An Ordinance of the City Council of the City of Wildomar Amending Section 17.200.060 and adding New Sections 17.200.061, 17.200.062, 17.200.063, 17.200.064, 17.200.065, 17.200.066, 17.200.067, 17.200.068 And 17.200.069 Relating to the Issuance of Extensions of Time for Conditional Use Permits" as attached hereto and incorporated herein by this reference as Exhibit A.

PASSED, APPROVED AND ADOPTED this 6th day of October 2010.

Robert Devine
Chairman

APPROVED AS TO FORM:

ATTEST:

Thomas Jex
Assistant City Attorney

David Hogan
Planning Commission Secretary

TEXT OF ZONING ORDINANCE SECTION 17.200.060

“17.200.060 Use of Permit.

Any conditional use permit that is granted shall be used within one year from the effective date thereof, or within such additional time as may be set in the conditions of approval, which shall not exceed a total of three years; otherwise, the permit shall be null and void. Notwithstanding the foregoing, if a permit is required to be used within less than three years, the permittee may, prior to its expiration, request an extension of time in which to use the permit. A request for extension of time shall be made to the board of supervisors, on forms provided by the planning department and shall be filed with the planning director, accompanied by the fee set forth in county Ordinance No. 67I. Within thirty (30) days following the filing of a request for an extension, the planning director shall review the applications, make a recommendation thereon, and forward the matter to the clerk of the board, who shall place the matter on the regular agenda of the board. An extension of time may be granted by the board upon a determination that valid reason exists for permittee not using the permit within the required period of time. If an extension is granted, the total time allowed for use of the permit shall not exceed a period of three years, calculated from the effective date of the issuance of the permit. The term "use" means the beginning of substantial construction of the use that is authorized, which construction must thereafter be pursued diligently to completion, or the actual occupancy of existing buildings or land under the terms of the authorized use. The effective date of a permit shall be determined pursuant to Chapter 17.192.”

CITY OF WILDOMAR – COUNCIL
Agenda Item #3.1
GENERAL BUSINESS
Meeting Date: November 10, 2010

TO: Mayor and City Council Members
FROM: Frank Oviedo, City Manager
SUBJECT: Save Our Parks Update

STAFF REPORT

RECOMMENDATION:
Receive Update Report.

DISCUSSION:

At the October 13, 2010 meeting, the City Council provided City Staff with direction to proceed with the Save Our Parks Strategy which included the establishment of a Blue Ribbon Committee. Since that meeting, the Committee has held three meetings (October 19, 26 and November 3 2010). At the last meeting, the committee decided to recommend issue a Request for Proposal (RFP) to engineering firms specializing in the formation of a Community Services District. Successful formation of such a district will require approval by 2/3rd's of the registered voters who participate in the future election. The RFP will be issued Monday November 8, 2010 and the Committee plans for presented the recommend firm to the City Council at a meeting in December. The next Committee meeting is scheduled for November 16, 2010.

Fund Raising Efforts:

Since, the last SOP Report to City Council the following events have occurred:

- Harvest House at Marna O'Brien Park, October 29, 2010..... This well attended event raised \$435.25 as of 11/5/2010.
- Pepper Tree Manor (Haunted House on Lemon) donated \$231.00
- October 23 & 24, 2010 Softball Tournament held at Marna O'Brien. Twelve teams from Central to San Diego participated in this weekend tournament. The snack bar was open from 7am-7pm each night netting \$881.79.
- Bracelets inscribed with "Save Our Parks" are available at City Hall for a donation of \$3.00 for one bracelet or 4 bracelets for \$10.00.

Additional updates, not ready at the time of this reports release, will also be present by staff at the City Council meeting.

Submitted and Approved by:

Frank Oviedo
City Manager

ATTACHMENTS:

(A) Blue Ribbon Committee Meeting Agendas

Attachment "A"

Blue Ribbon Committee Meetings October 26, 2010 November 3, 2010 Agendas

City of Wildomar
Save Our Parks
Blue Ribbon Committee
Meeting No. 2 October 26, 2010

Agenda

- 1. City Staff Report to City Council**
- 2. Committee Organization/Structure**
 - a. Chairperson**
 - b. Secretary**
 - c. Mission/Goal** (*Why Do We Exist? What's Our Purpose, What Are We Going to Accomplish and When?*)
- 3. Funding:**
 - a. Long Term? (Forever)**
 - i. Why Can't the General Fund Pay for the Parks?**
 - ii. What Type of Funding Do We Want To Recommend:**
 - 1. General Benefit**
 - 2. Special Benefit**
 - b. Near Term (Now)**
 - i. County, Donations, Other**
 - ii. Cost Reductions...Utilities, Etc.**
- 4. Next Meeting....November 3 (Wednesday)**
7:00 pm

City of Wildomar
Save Our Parks
Blue Ribbon Committee
Meeting No. 3 November 3, 2010

Agenda

1. **Opening Remarks...John Lloyd
Chairperson**
2. **Minutes Review Approval....Susan Lane**
3. **City and State Election Update....Gary
Nordquist**
4. **Funding and Event Updates....Paula Willette**
5. **Everything You Ever Wanted to Know about
Assessments..... Paul Thompson,
Shane Spicer**

6. **Strategy and Calendar of Events**

7. **Roundtable**

8. **Next Meeting...Tuesday November 16?**

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #3.2
GENERAL BUSINESS
Meeting Date: November 10, 2010

TO: Mayor and City Council Members

FROM: Michael Kashiwagi, P.E., Development Services

SUBJECT: Clinton Keith Road/I-15 Interchange Improvements Project – Agreement with the County of Riverside

STAFF REPORT

RECOMMENDATION:

Staff recommends that the City Council adopt a Resolution entitled:

RESOLUTION NO. 2010-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT BETWEEN THE COUNTY OF RIVERSIDE AND CITY OF WILDOMAR RELATED TO SERVICES AND ACTIVITIES TO BE PERFORMED ON THE CLINTON KEITH ROAD/I-15 INTERCHANGE IMPROVEMENT PROJECT

BACKGROUND:

The Clinton Keith Road/I-15 Interchange Improvement Project will reconstruct the existing Clinton Keith Road/I-15 Interchange to alleviate congestion, improve traffic circulation, and improve safety. The proposed improvements include the widening of the existing Clinton Keith Road overcrossing from two to six through lanes with dual left-turn pockets for the northbound and southbound freeway entrance ramps. The project also includes realigning the existing ramps at the intersections with Clinton Keith Road. The proposed project maintains the existing diamond interchange configuration while reconstructing the ramps, widening Clinton Keith Road, and adding auxiliary lanes on the interstate to improve traffic operations within the interchange area. The project is being funded through a combination of Transportation Uniform Mitigation Fee (TUMF), Southwest Road and Benefit District and Development Impact Fee (DIF) funds.

This project was originally programmed in the Riverside County Transportation Improvement Program in 1992. In May 2004, the County of Riverside entered into a consultant services agreement with URS Corporation to provide engineering and environmental services necessary to construct the proposed improvements. Although the project is within the jurisdictional boundaries of the City of Wildomar upon incorporation, the City decided to continue the project design under Riverside County

management since (1) it was in the advanced design and environmental stages, (2) funding agreements for the use of TUMF, Southwest Road and Bridge District, and DIF funds were in-place with the County of Riverside, and (3) consultant service agreements for the necessary design and environmental services were with the County of Riverside.

However, after incorporation, City staff became involved in this high priority project through active participation in the project development team meetings, review of environmental reports, and review of project design plans and studies. In addition, the City took the lead role in acquiring all rights-of-way necessary to construct the project improvements. Funding for City staff as well as all costs associated with the acquisition of required rights-of-way is being funded through the Clinton Keith Road/I-15 project budget. The primary purpose of this agreement is to provide the mechanism for the City to be reimbursed from Riverside County for all past and future project related costs.

FISCAL IMPACT:

Total City expenditures to date for staff and right-of-way acquisition are approximately \$334,300. Upon approval and execution of this agreement by the City of Wildomar and County of Riverside, the City will be reimbursed this amount within 30 days. This agreement also requires reimbursement of all future City costs associated with the design and construction of the Clinton Keith Road/I-15 Interchange Improvements.

Submitted by:

Approved by:

Michael Kashiwagi, P.E.
Development Services

Frank Oviedo
City Manager

ATTACHMENTS:

Resolution No. 2010 - _____

RESOLUTION NO. 2010 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT BETWEEN THE COUNTY OF RIVERSIDE AND THE CITY OF WILDOMAR RELATED TO SERVICES AND ACTIVITIES TO BE PERFORMED ON THE CLINTON KEITH ROAD/I-15 INTERCHANGE IMPROVEMENT PROJECT

WHEREAS, the Clinton Keith Road/I-15 Interchange Improvement Project will reconstruct the existing Clinton Keith Road/I-15 Interchange to alleviate congestion, improve traffic circulation, and improve safety; and

WHEREAS, prior to incorporation, the County of Riverside secured funding and provided project management services for the environmental review, project design, and construction of this high priority transportation improvement; and

WHEREAS, since incorporation, City of Wildomar staff has provided project oversight, design review, and right-of-way acquisition services necessary for the design and construction of this high priority project; and

WHEREAS, the County of Riverside and the City of Wildomar agree that funding for City staff as well as all costs associated with the acquisition of required rights-of-way will be reimbursed to the City of Wildomar through the Clinton Keith Road/I-15 project budget.

NOW, THEREFORE be it resolved by the City Council of the City of Wildomar, California as follows:

Authorizes the City Manager to execute a Professional Services Agreement between the County of Riverside and the City of Wildomar.

PASSED, APPROVED AND ADOPTED this 10th day of November, 2010.

Bridgette Moore
Mayor

APPROVED AS TO FORM:

ATTEST:

Julie Hayward Biggs
City Attorney

Debbie A. Lee, CMC
City Clerk

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AGREEMENT BY AND BETWEEN
RIVERSIDE COUNTY
AND
CITY OF WILDOMAR
FOR
CLINTON KEITH ROAD/I-15 INTERCHANGE IMPROVEMENTS

This Agreement is entered into this _____ day of _____, 2010, by and between the County of Riverside, (hereinafter "COUNTY"), and the City of WILDOMAR (hereinafter "CITY") for the provision of certain activities related to Interchange improvements located at the intersection of Clinton Keith Road and Interstate 15 currently located within the jurisdictional boundaries of the CITY.

RECITALS

- A. In 1992 COUNTY programmed a project in the COUNTY Transportation Improvement Program (TIP) to provide improvements to the existing interchange located at the intersection of Clinton Keith Road and Interstate 15 (hereinafter "PROJECT"), which was located within the jurisdictional boundaries of the COUNTY at that time (see Location Map of the Project Site in Exhibit "A").
- B. On May 4, 2004 COUNTY executed an agreement with the firm of URS Corporation to provide engineering and environmental services necessary to construct the proposed improvements to the Clinton Keith Road at Interstate 15 interchange.
- C. As of the date of this Agreement, COUNTY has successfully secured the approval of Environmental Document and Project Report by California Department of Transportation (hereinafter "STATE") on December 9, 2009 and December 21, 2009 respectively, which provide the environmental clearance necessary for construction of the PROJECT. COUNTY is in the process of finalizing the plans, specifications and estimates (PS&E) and is working to obtain the necessary construction permits with involved regulatory agencies.
- D. The incorporation of the City of Wildomar was approved on July 1, 2008 and included incorporation of the PROJECT area.
- E. The PROJECT encroaches onto Interstate 15 facilities that are owned and operated by STATE. On February 9, 2009 COUNTY entered into a Project Development Cooperative Agreement with STATE that provided the terms and conditions under which the COUNTY would be allowed to construct improvements within the

1 STATE right-of-way. The agreement between the STATE and the COUNTY is shown in Exhibit "B".

2 F. Now COUNTY and CITY desire to continue developing the PROJECT in cooperation with STATE to
3 reconstruct the existing Clinton Keith Road/I-15 Interchange to alleviate congestion and improve traffic
4 operations. The proposed improvements include the widening of the existing Clinton Keith Road
5 Overcrossing from two to six through lanes with dual left-turn pockets for the northbound and southbound
6 entrance ramps and realignment of the ramps at the intersections with Clinton Keith Road. More specifically,
7 the proposed project maintains the existing diamond interchange configuration while reconstructing the
8 ramps, widening Clinton Keith Road, and adding auxiliary lanes on the interstate to improve traffic operations
9 within the interchange area.

10 G. The current County Transportation Improvement Program (2009/2010 TIP, as approved by the Riverside
11 County Board of Supervisors, November 24, 2009, 3.113) provides that funding for this project will come from
12 regional programs such as the Transportation Uniform Mitigation Fee (TUMF) program, funds that have been
13 collected in other development fee programs such as the Southwest Road and Bridge Benefit District and the
14 Development Impact Fee Program, and City of Murrieta Road and Bridge Funds per Amendment (dated
15 October 21, 2003 – 3.1) to the Settlement Agreements between the COUNTY and the City of Murrieta (dated
16 August 13, 1996 and October 19, 1999).

17 H. Although the PROJECT is now located within the jurisdictional boundaries of the CITY, the COUNTY and
18 CITY desire to have COUNTY maintain responsibility as Lead Agency for the overall development and
19 implementation of project. COUNTY has extensive experience in the development and implementation of
20 interchange projects involving Federal and State agencies. Keeping COUNTY as the lead will facilitate
21 continuity in the development and implementation of PROJECT. COUNTY will therefore provide the
22 administrative, technical, managerial and support services necessary to complete the development and
23 implementation of the PROJECT.

24 I. Regardless of the desire to maintain the COUNTY's designation as lead, CITY will assume certain
25 responsibilities related to PROJECT. These responsibilities shall include the negotiation and related
26 condemnation of property required for PROJECT as well as issuance of encroachment permits necessary for
27 the construction of PROJECT. The COUNTY will reimburse CITY for these expenses, as discussed below.

28 J. COUNTY and CITY desire to define herein the terms and conditions under which said project is to be
29 administered, environmentally cleared, engineered, coordinated, managed, constructed, maintained, and

1 financed. COUNTY and CITY also desires to identify and define project related activities to be performed by
2 CITY which will be reimbursed by COUNTY.

3 **AGREEMENT**

4 NOW THEREFORE, in consideration of the mutual promises contained herein, the parties hereto agree as
5 follows:

6 **SECTION 1 • COUNTY AGREES:**

- 7 1. To complete, or cause to be completed, detailed PS&E documents for the PROJECT and secure all
8 necessary construction permits from the regulatory agencies. The COUNTY will seek PS&E approval from
9 STATE and the Federal Highway Administration.
- 10 2. To timely reimburse CITY for costs and fees associated with the design and construction coordination
11 necessary to support the PROJECT, all real property right-of-way acquisition activities including legal costs
12 and fees incurred in connection with the negotiations with the property owners as well as the Eminent Domain
13 actions and the payments for the purchase of the parcels for acquisition by the CITY. The COUNTY shall
14 reimburse CITY for costs and fees of CITY staff as well as outside consultants and attorneys hired by CITY.
15 The total estimated costs for these activities are listed on Exhibit "C." CITY and COUNTY acknowledge and
16 agree that the dollar amounts listed on Exhibit "C" are estimates only and are not to be construed as a cap on
17 the total amounts to be reimbursed by COUNTY to CITY. The COUNTY and CITY agree that the actual costs
18 may be higher than the cost estimates as indicated on Exhibit "C." COUNTY shall remain obligated to
19 reimburse CITY for CITY'S actual total costs according to this Agreement even if the actual costs exceed the
20 cost estimates. If the actual costs exceed the cost estimates on Exhibit "C", CITY will continue to forward
21 invoices to the COUNTY on a monthly basis and COUNTY will reimburse CITY according to the terms of this
22 Agreement. CITY and COUNTY further agree to modify this Agreement and revise Exhibit "C" if the actual
23 costs exceed the cost estimates on Exhibit "C."
- 24 3. To prepare certain right-of-way documents in compliance with all applicable State and Federal laws and
25 regulations. Documents to be prepared by COUNTY include but are not limited to Legal Descriptions, Plats,
26 Right-of-way Maps and Appraisals.
- 27 4. To advertise, award and administer a public works contract for the construction of PROJECT in accordance
28 with the local Agency Public Construction Code, the California Labor Code, STATE requirements and in
29 accordance with an encroachment permit issued by CITY.

- 1 5. COUNTY shall cause COUNTY's contractor to maintain in force, until completion and acceptance of the
2 PROJECT construction contract, a policy of Contractual Liability Insurance, including coverage of Bodily
3 Injury Liability and Property Damage Liability, in the amount of \$2,000,000 minimum single limit coverage,
4 and a policy of Automobile Liability Insurance in the amount of \$1,000,000 minimum. Endorsements to each
5 policy shall be required which name the CITY, its officers, agents and employees as additionally insured.
6 COUNTY shall also require COUNTY's contractor to maintain Worker's Compensation Insurance.
- 7 6. To furnish CITY a complete set of full-sized film positive reproducible as-built plans and all contract records,
8 including survey documents, within one hundred and eighty (180) days following the completion and
9 acceptance of the PROJECT construction contract.
- 10 7. Within 30 days of the date of this Agreement, COUNTY shall reimburse CITY the amount of \$334,300, which
11 represents design, real property acquisition, and coordination costs incurred by CITY to date.
- 12 8. To pay within 45 days of receipt all invoices submitted by CITY for services rendered in accordance with this
13 Agreement.

14 **SECTION 2 • CITY AGREES:**

- 15 1. To conduct the property acquisition activities, negotiations with the property owners, and all pertinent eminent
16 domain activities, subject to full reimbursement by the COUNTY of all CITY costs and fees, and deliver legal
17 title to the right-of-way, including access rights in compliance with the current State Right-of-way Manuals,
18 procedures, and guidelines, including all relevant provisions of the Project Development Cooperative
19 Agreement between the STATE and the COUNTY as shown in Exhibit "B."
- 20 2. To submit invoices to COUNTY on a monthly basis for the tasks listed on Exhibit "C". In the event that
21 COUNTY does not timely reimburse CITY, CITY may terminate this Agreement upon written notice to
22 COUNTY and CITY may cease all work and actions related to the PROJECT.
- 23 3. To issue, at no cost to COUNTY or its contractors, upon proper application by COUNTY or COUNTY's
24 contractor, an encroachment permit authorizing entry onto CITY's right-of-way to perform survey and other
25 investigative activities required for preparation of the PS&E and Construction of project.
- 26 4. To provide a representative to coordinate and assist the COUNTY's Resident Engineer during the
27 construction of PROJECT and to verify facilities are constructed as required by this Agreement.

28 **SECTION 3 • IT IS MUTUALLY AGREED AS FOLLOWS:**

- 29 1. Implementation of PROJECT depends on funds coming from several regional funding programs including the

1 Transportation Uniform Mitigation Fee (TUMF) program and funds that have been collected in other
2 development fee programs such as the Southwest Road and Bridge Benefit District and the Development
3 Impact Fee Program as well as other sources. In the event that adequate funds are not available to complete
4 PROJECT, COUNTY and CITY agree to meet and confer and collectively work to identify adequate funding
5 for PROJECT. Nothing in this agreement is intended to commit either the CITY or COUNTY to funding any
6 portion of PROJECT or shall be construed as obligating CITY or COUNTY to provide replacement funding for
7 any anticipated funding as set forth in the COUNTY Transportation Improvement Program (TIP) for the FY
8 2010/2011 or to continue with the Project if funds are no longer available.

9 2. COUNTY and CITY mutually agree to budget for the fiscal year at the start of each fiscal year. This will be
10 documented in a Project Budget Form to be approved by CITY's authorized representative and the COUNTY
11 Director of Transportation which will identify total project budget for the upcoming fiscal year, available
12 revenues and funding sources, expected expenditures of COUNTY staff and contracts engaged in project
13 delivery, and expected expenditures of CITY staff engaged in project delivery. The Project Budget Form will
14 be amended as necessary throughout the year as required by project financial circumstances or as mutually
15 agreed.

16 3. Ownership and title to all materials, equipment, and appurtenances installed as part of this agreement will
17 automatically be vested with the jurisdiction for which the improvements reside and no further agreement will
18 be necessary to transfer ownership.

19 4. Neither COUNTY nor CITY shall be responsible for any maintenance of the improvements provided by
20 PROJECT that are located outside of their respective right-of-way boundaries.

21 5. In the event that COUNTY defaults in the performance of any of its obligations under this Agreement or
22 materially breaches any of the provisions of this Agreement, CITY shall have the option to terminate this
23 Agreement upon written notice to COUNTY.

24 6. In the event that CITY defaults in the performance of any of its obligations under this Agreement or materially
25 breaches any of the provisions of this Agreement, COUNTY shall have the option to terminate this Agreement
26 upon written notice to CITY.

27 7. In the event any action is commenced to enforce or interpret any term or condition of this Agreement, in
28 addition to costs and any other relief, the prevailing party shall be entitled to a reasonable attorney's fees.

29 8. Neither CITY nor any officer or employee thereof shall be responsible for any damage or liability occurring by

1 reason of anything done or omitted to be done by COUNTY under or in connection with any work, authority or
2 jurisdiction delegated to COUNTY under this Agreement. It is further agreed that pursuant to Government
3 Code Section 895.4, COUNTY shall fully indemnify and hold CITY harmless from any liability imposed for
4 injury (as defined by Government Code Section 810.8) occurring by reason of anything done or omitted to be
5 done by COUNTY under or in connection with any work, authority or jurisdiction delegated to COUNTY under
6 this Agreement.

7 9. Neither COUNTY nor any officer or employee thereof shall be responsible for any damage or liability
8 occurring by reason of anything done or omitted to be done by CITY under or in connection with any work,
9 authority or jurisdiction delegated to CITY under this Agreement. It is further agreed that pursuant to
10 Government Code Section 895.4, CITY shall fully indemnify and hold COUNTY harmless from any liability
11 imposed for injury (as defined by Government Code Section 810.8) occurring by reason of anything done or
12 omitted to be done by CITY under or in connection with any work, authority or jurisdiction delegated to CITY
13 under this Agreement.

14 10. Nothing in the provisions of this Agreement is intended to create duties or obligations to or rights in third
15 parties not parties to this Agreement or affect the legal liability of either party to the Agreement by imposing
16 any standard of care with respect to the maintenance of roads different from the standard of care imposed by
17 law.

18 11. This agreement and the exhibits herein contain the entire agreement between the parties, and is intended by
19 the parties to completely state the agreement in full. Any agreement or representation respecting the matters
20 dealt with herein or the duties of any party in relation thereto, not expressly set forth in this agreement, is null
21 and void.

22 12. No alteration or variation of the terms of this Agreement shall be valid unless made in writing and signed by
23 both parties and no oral understanding or agreement not incorporated herein shall be binding on either party
24 hereto.

25 13. Each provision, term, condition, covenant and/or restriction in this Agreement shall be considered severable.
26 In the event that any provision, term, condition, covenant and/or restriction, or part thereof is declared invalid,
27 unconstitutional or void for any reason, such provision or part thereof shall be severed from this Agreement
28 and shall not affect the remainder of the Agreement, which shall continue in full force and effect.

29 14. This Agreement may be executed in duplicate originals, each of which is deemed to be an original.

1 15. CITY and COUNTY shall retain or cause to be retained for audit for a period of three (3) years from the date
2 of final payment, all records and accounts relating to PROJECT.

3 16. All notices permitted or required under this Agreement shall be deemed made when delivered to the
4 applicable party's representative as provided in this Agreement. Such notices shall be mailed or otherwise
5 delivered to the addresses set forth below, or at such other address as the respective parties may provide in
6 writing for this purpose:

7		
8	COUNTY	CITY
9	Director of Transportation	City Manager
10	County of Riverside • Transportation Department	City of Wildomar
11	4080 Lemon Street, 8 th Floor	23873 Clinton Keith Road, Suite 201
12	Riverside, CA 92502	Wildomar, CA 92595

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14 Such notice shall be deemed made when personally delivered or when mailed, forty-eight (48) hours after
15 deposit in the U.S. Mail, first class postage prepaid and addressed to the party at its applicable address.

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APPROVALS

COUNTY Approvals

RECOMMENDED FOR APPROVAL:

_____ Dated: _____

JUAN C. PEREZ

Director of Transportation

APPROVED AS TO FORM:

_____ Dated: _____

PAMELA J. WALLS

County Counsel

APPROVAL BY THE BOARD OF SUPERVISORS

_____ Dated: _____

PRINTED NAME

Chairman, Riverside County Board of Supervisors

ATTEST:

_____ Dated: _____

KECIA HARPER-IHEM

Clerk of the Board of Supervisors (SEAL)

CITY OF WILDOMAR Approvals

APPROVED BY:

_____ Dated: _____

PRINTED NAME

CITY MANAGER

APPROVED AS TO FORM:

_____ Dated: _____

PRINTED NAME

COUNSEL

APPROVED BY:

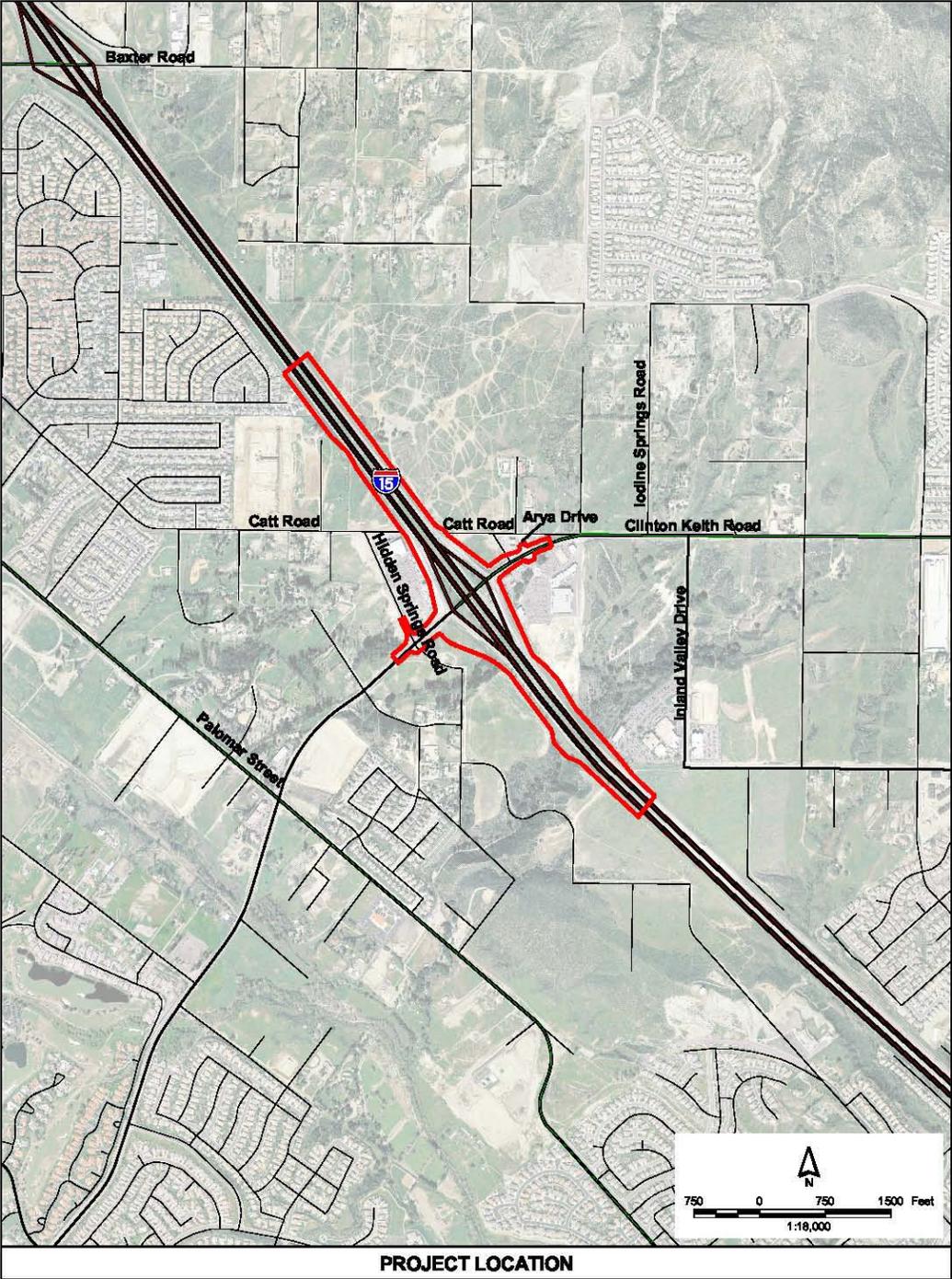
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CITY CLERK

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EXHIBIT A • LOCATION MAP



PROJECT LOCATION

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EXHIBIT B
PROJECT DEVELOPMENT COOPERATIVE AGREEMENT
BETWEEN STATE AND COUNTY

EXHIBIT C • ESTIMATED COSTS FOR REIMBURSEMENT TO CITY OF WILDOMAR

TASK	TUMF (WRCOG)	Southwest Area RBBB	DIF SW Area	TOTAL
Design Coordination		\$ 104,000		\$ 104,000
Right-of-way			\$ 672,000*	\$ 672,000
Construction Coordination	\$ 90,000			\$ 90,000
Contingency (10%)	\$ 9,000	\$10,400	\$67,200	\$ 86,600
TOTALS	\$ 99,000	\$ 114,400	\$ 739,200	\$ 952,600

* A portion of this cost estimate includes legal costs and fees incurred in connection with the Eminent Domain activities. Litigation costs are always difficult to predict, especially at this early phase in the process when the property owners have not made their positions known. Therefore, the cost estimates for trial, severance damages and any challenges to the right to take are not included. The costs are estimated as follows:

- Design and coordination costs incurred by CITY to date \$90,000
- Engineering Review/Admin \$8,000
- Construction of RFP Review/Selection \$6,000
- Misc. Remaining Real Property Acquisition activities \$6,000
- Legal Costs and Fees/Eminent Domain \$210,000
- Payment of Parcels for Acquisition \$456,000
- Services During Construction \$90,000

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #3.3
GENERAL BUSINESS
Meeting Date: November 10, 2010

TO: Mayor and City Council Members
FROM: Gary Nordquist, Assistant City Manager
SUBJECT: E-Verify Program

STAFF REPORT

RECOMMENDATION:

Staff recommends that the City Council introduce an Ordinance entitled:

ORDINANCE NO. _____
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, ADDING NEW CHAPTER 3.09 TO THE WILDOMAR MUNICIPAL CODE
PERTAINING TO THE E-VERIFY PROGRAM

BACKGROUND/DISCUSSION:

The City Council directed staff, at the August 11, 2010 City Council meeting," to insert into any contract that they (businesses) will abide by the E-Verify program."

E-Verify is an internet based system operated by the Department of Homeland Security (DHS) in partnership with the Social Security Administration (SSA) that allows participating employers to electronically verify the employment eligibility of their newly hired employees.

Federal law requires that all employers verify the identity and employment eligibility of all new employees (including U.S. citizens) within three days of hire. Employees are required to complete the Form I-9, and employees must provide employers with documentation establishing both identity and eligibility to work in the United States.

Through E-Verify, employers send information from the employees Form I-9 to Social Security Administration and Department of Homeland Security to ensure that they are authorized to work in the United States and that their name, Social Security Number, date of birth, citizenship status, and any other non-citizen information provided to the employer on the Form I-9 match government records.

If an employee receives an information mismatch from their Form I-9 and Social Security Administration and Department of Homeland Security databases, the employer must promptly provide the employee with information about how to challenge the information mismatch.

More than 225,000 employers, large and small, across the United States use E-Verify to check the employment eligibility of their employees, with about 1,000 new businesses signing up each week.

While participation in E-Verify is voluntary for most businesses, some companies may be required by state law or federal regulation to use E-Verify. For example, most employers in Arizona and Mississippi are required to use E-Verify. E-Verify is also mandatory for employers with federal contracts or subcontracts that contain the Federal Acquisition Regulation E-Verify clause.

City staff has reviewed the various programs used by other organizations and following City Councils direction, recommends a program requiring e-verify compliance for entities contracting with the City. The attached ordinance provides for such compliance.

FISCAL IMPACTS:

No fiscal impact is anticipated with the program.

Submitted by:

Approved by:

Gary Nordquist
Assistant City Manager

Frank Oviedo
City Manager

ATTACHMENTS:

Ordinance No. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, ADDING NEW CHAPTER 3.09 TO THE WILDOMAR MUNICIPAL CODE PERTAINING TO THE E-VERIFY PROGRAM.

THE CITY COUNCIL OF THE CITY OF WILDOMAR ORDAINS AS FOLLOWS:

SECTION 1. Chapter 3.09 is hereby added to the Wildomar Municipal Code as follows:

3.09 E-VERIFY REQUIRMENTS

- 3.09.010 Definitions
- 3.09.020 E-Verify Requirements
- 3.09.030 Use of Subcontractors
- 3.09.040 Notice of E-Verify Requirements
- 3.09.050 Verification of Employment Eligibility

§ 3.09.010 Definitions

“Business Entity” means any person or group of persons performing or engaging in any activity, enterprise, profession, or occupation or gain, benefit, advantage, or livelihood, whether for profit or not for profit with the City. The term business entity shall include, but not be limited to partnerships, corporations, contractors, and subcontractors doing business with the City.

“Contractor” means a person, employer, or business entity that enters into a contract or an agreement with the City to perform any service or work or to provide a certain product in exchange for valuable consideration. The term “contractor” shall not include government agencies.

“E-Verify” shall mean the electronic verification of work authorization program of the Illegal Immigration Reform and Immigration Responsibility Act of 1996, Pub. L. No. 104-208, Division C, Title IVY s. 403(a), as amended, and operated by the United States Department of Homeland Security, or a successor electronic verification of work authorization program designated by the United States Department of Homeland Security or other federal agency authorized to verify the work authorization status of newly hired employees pursuant to the Immigration Reform and Control Act of 1986, Pub. L. No. 99-603.

“Unauthorized Alien” means a person who is unauthorized to be lawfully employed in the United States, pursuant to 8 U.S.C. § 1373(c) that the person is an unauthorized alien.

§ 3.09.020 E-Verify Requirements

A. As a condition for the award of any City contract for public works or as a condition of the City entering into any other City contract for consulting or professional services the Contractor shall enroll in the E-Verify program, or its successor, and thereafter shall provide the City documentation affirming its enrollment and participation in the program.

B. Contractors shall be required to continue participation in the E-Verify program throughout the term of their contractual agreement with the City.

C. Nothing provided in this chapter shall relieve Contractors otherwise subject to federal E-Verify requirements from complying with the requirements of federal law.

§ 3.09.030 Use of Subcontractors

If a Contractor uses a subcontractor, the subcontractor shall, as a condition of contract, certify to the Contractor in a manner that does not violate federal law that the subcontractor has registered and is participating in the E-Verify program and will not knowingly employ or contract with an unauthorized alien.

§ 3.09.040 Notice of E-Verify Requirements

The City shall include specific written notice in all requests for bids or proposals subject to this section that Contractors may be required to enroll in the E-Verify program as a condition of award. Contractors are not exempt from this section if they received requests for bids or proposals not containing such notice.

§ 3.090.50 Verification of Employment Eligibility

A Contractor shall maintain records sufficient to establish that it has complied with the requirements set for this chapter with respect to each employee and shall retain such records for the duration of such employee's employment. Such records shall be maintained for a longer period of time if required by an applicable state or federal law, regulation or rule. These records shall be immediately made available to the City for inspection and audit upon written notice to the Contractor by the City.

PASSED, APPROVED, AND ADOPTED this ___ day of _____, 2010.

Bridgette Moore, Mayor

ATTEST:

Debbie Lee, CMC, City Clerk

APPROVED AS TO FORM:

Julie Hayward Biggs, City Attorney

CITY OF WILDOMAR – COUNCIL
Agenda Item #3.4
GENERAL BUSINESS
Meeting Date: November 10, 2010

TO: Mayor and City Council Members
FROM: Jeffrey Thomas, CBO, Building Official
SUBJECT: 2010 California Building Codes Adoption – Set Public Hearing

STAFF REPORT

RECOMMENDATION:

Staff recommends that the City Council:

1. Introduce an Ordinance entitled:

ORDINANCE NO. _____
AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF WILDOMAR, CALIFORNIA, AMENDING CHAPTER 8.01
TO THE WILDOMAR MUNICIPAL CODE BY ADOPTING THE 2010 EDITIONS
OF THE CALIFORNIA BUILDING CODE, CALIFORNIA RESIDENTIAL CODE,
CALIFORNIA GREEN BUILDING CODE, CALIFORNIA PLUMBING CODE,
CALIFORNIA MECHANICAL CODE, CALIFORNIA ELECTRICAL CODE AND
THE 1997 EDITION OF THE UNIFORM HOUSING CODE AND RELATED
MODEL CODES WITH APPENDICES AND AMENDMENTS THERETO

2. Set the public hearing for December 8, 2010, at 7:00 p.m., or as soon thereafter, the public hearing to hear testimony in this matter.

BACKGROUND:

The California Building Standards Commission (CBSC) is the regulatory body that is tasked with the review and adoption of building standards to be used throughout the state of California in regulating the manner in which all buildings are built to protect the life, safety and health of their occupants.

In July of 2009, the CBSC adopted the 2010 edition of the California Building Codes which are based upon a group of codes promulgated by the International Code Council's (ICC) family of codes, the International Association of Plumbing and Mechanical Officials (IAPMO) and the National Fire Protection Association (NFPA). It is this grouping of codes that make up the California Building Codes. The CBSC's 2010 code adoptions includes the California Residential Code which provide regulations specifically for the construction of single family

residences and the requirement that all single family residences be equipped with a residential standard automatic fire sprinkler system.

Additionally, the CBSC has also included in the 2010 adoption action the California Green Building Code with establishes provisions to improve public health, safety and general welfare by enhancing the design and construction of building while reducing the negative impact to the environment. The regulations concentrate on Planning and design, energy efficiency, water conservations, material conservation and environmental quality.

Due to the existence of unique regional and/ or local climatic, topographical or geographical conditions, the California Building Code provides that the Building Official may amend provisions of the state adopted codes to address specific regional or local conditions where there are regional or local climatic, topographical or geographical conditions which require such changes.

Along with these amendments, the submittal of supporting findings must be submitted to the State Department of Housing and Community Development for confirmation. These findings are included within Ordinance 2010-

Staff has chosen to propose very minimal amendments to these Codes. Amendments are primarily administrative in nature. See Exhibit A. Additionally, staff has included a section that requires the installation of Automated External defibrillators below.

THE CITY FINDS DETERMINES AND DECLARES THAT:

- A. Approximately 294,000 out-of-hospital, sudden cardiac arrests (SCA) occur annually in the United States.
- B. Defibrillation or shock using an automated external defibrillator (AED) is the only effective therapy for SCA arrest.
- C. For each minute that passes without cardiopulmonary resuscitation (CPR) and defibrillation, the chance of survival from SCA decreases 7% - 10%.
- D. The survival rate from SCA in places where no CPR and defibrillation program is in place is only about 5%.
- E. When AED programs provide immediate CPR and AED shock within the first minute of collapse, the survival rate from cardiac arrest is as high as 74%.
- F. Requiring AEDs in certain buildings will reduce emergency care response times, increase the chances of survival, and safeguard the lives of persons who experience SCA.
- G. California has enacted a Good Samaritan Law that, subject to certain requirements, may limit the liability of one who renders emergency care via an AED.

FINDINGS, PURPOSE AND INTENT:

- A. It is the purpose and intent of the City of Wildomar through the adoption of this Chapter, to promote public health, safety, and welfare by improving emergency care response times to those suffering from sudden cardiac arrest (SCA), thereby improving chances of survival.
- B. The requirements are intended to provide for faster emergency response in large buildings, multi-story buildings, and/or buildings with large numbers of occupants where first responder access may be impeded due to building use, occupancy, location, layout, construction, or other reasons. This Chapter is not intended to create a new standard of care.

DEFINITIONS:

Except as otherwise provided, for the purposes of this Chapter: Automated External Defibrillator or AED means "Automated External Defibrillator" or "AED" as defined in the California Code of Regulations, Title 22, Division 9, Chapter 1.8., Section 100033, which states "Automated External Defibrillator" or "AED" means an external defibrillator that after user activation is capable of cardiac rhythm analysis and will charge and deliver a shock, either automatically or by user interaction, after electronically detecting and assessing ventricular fibrillation or rapid ventricular tachycardia. AED shall also have the same meaning as "Automatic External Defibrillator" pursuant to Health and Safety Code section 1797.196.

NEW CONSTRUCTION REQUIRING AEDS:

- A. Prior to issuance of a certificate of occupancy or approval of final inspection, AEDs shall be placed in all newly constructed buildings in the occupancy groups and with occupant loads in excess of that shown in Table 8.48.30. The occupant load shall be determined based on the occupant load factors in the California Building Code. Occupancy groups shall be determined based on Chapter 3 of the California Building Code.
- B. AEDs shall be conspicuously placed and readily accessible in the event of an emergency. AEDs shall be mounted such that the top of the AED is no more than five (5) feet above floor level.

Table 8.48.30

Occupancy Group	Occupant Load
Group A "Assembly"	300
Group B "Business"	300

Group E "Educational"	300
Group H "High Hazard"	300
Group I "Institutional"	300
Group M "Mercantile"	300
Group R "Residential" ¹	300
Group S "Storage" ²	300
Group F "Factory"	300

1 Excluding single-family and multi-family dwelling units

2 Excluding parking garages

LOCATION OF AEDS:

- A. When required pursuant to this Chapter, AEDs shall be located in buildings to optimally achieve a three minute response time to the person in need of emergency care using the AED.
- B. When required on every floor of a building pursuant to section 8.48.30 and Table 8.48.30, AEDs shall be located as follows:
 - 1) One AED shall be placed at the main entrance of every floor.
 - 2) AEDs shall be located on each floor such that the maximum length of travel measured from the most remote point on a floor to any AED, shall not exceed 300 feet.
 - 3) AEDs shall be located on each floor such that the maximum length of travel between any two AEDs shall not exceed 600 feet.
- C. When not required on every floor of a building pursuant to section 8.48.30 and Table 8.48.30, AEDs shall be located as follows:
 - 1) One AED shall be placed at the main entrance of every floor required to have one or more AEDs.
 - 2) AEDs shall be located such that the maximum length of vertical travel between any two AEDs on any two floors with an AED shall not exceed 450 feet.

FISCAL IMPACT: None

Submitted by:

Approved by:

Jeffrey Thomas
Building Official

Frank Oviedo
City Manager

ATTACHMENTS:

Ordinance No. _____

EXHIBIT A

Administrative Code- California Building Code (CBC) Appendix Chapter

CBC Appendix Chapter 1, Section 105.2.2- This amendment is administrative in nature and modifies the minimum height of a freestanding masonry block wall for which a building permit is required.

CBC Appendix Chapter 1 Section 109.7- This amendment is administrative in nature establishes hours of construction when within ¼ mile of an occupied residence in order to protect the quality of life of residences when adjacent construction projects are present.

CBC Appendix Chapter 1, Section 109.8- This amendment is administrative in nature and establishes standards for the control of rubbish and debris on construction sites.

California Building Code (CBC)

Chapter 4, Section 406.1.4,1- This amendment maintains the previous codes requirement of separation between a private garage and single family dwelling unit utilizing 5/8' Type X Gypsum Board instead of the reduced thickness to ½" Gypsum board provided for in the 2007 CBC.

Chapter 4, Section 406.1.4, 2 – This amendment provides standards for fire protection where ducts penetrate the separation between a private garage and a single family dwelling unit.

California Electrical Code (CEC)

Article 89.108.4- This amendment is administrative in nature and establishes that only a California State Licensed Electrical Contractor shall be authorized to obtain electrical permits for electrical work to be performed on commercial and industrial building construction projects.

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF WILDOMAR, CALIFORNIA, AMENDING CHAPTER 8.01
TO THE WILDOMAR MUNICIPAL CODE BY ADOPTING THE 2010 EDITIONS OF THE
CALIFORNIA BUILDING CODE, CALIFORNIA RESIDENTIAL CODE, CALIFORNIA GREEN
BUILDING CODE, CALIFORNIA PLUMBING CODE, CALIFORNIA MECHANICAL CODE,
CALIFORNIA ELECTRICAL CODE AND THE 1997 EDITION OF THE UNIFORM HOUSING
CODE AND RELATED MODEL CODES WITH APPENDICES AND AMENDMENTS
THERETO**

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

SECTION 1. THE CITY COUNCIL FINDS AS FOLLOWS:

1. Health and Safety code Section 18938 provides that the triennial edition of the California Building Standards Code establishes building standards for all occupancies throughout the State and requires that these standards incorporated the various editions of the Technical Codes with necessary California amendments.

2. Section 18938 also requires that such standards be applicable to all cities and counties, subject to certain modifications described below.

3. On July 1, 2010, the State Building Standards Commission approved and published the 2010 edition of the California Building Standards Code which incorporated the various editions of the Technical Codes (Plumbing, Electrical, and Mechanical) by reference with necessary California amendments.

4. The City is required to adopt the 2010 edition of the California Building Standards Code which incorporates by reference the various editions of the Technical Codes and all of the referenced standards tables, matrices and appendices of each of these codes therein.

5. The California Building Standards Code also allows for modifications required to meet specific climatic, topographic or geographic conditions within a city when a city makes findings regarding such conditions, and the City makes such findings as follows:

6. The City Council specifically finds that development has occurred and will continue to occur in the City of Wildomar at a rapid pace because Wildomar is generally a flat area in a valley surrounded by hills, because of traffic congestion and because of strong winds (Santa Ana's) which can reach up to 60 miles per hour, additional requirements have been placed on the separation walls between garages and residences.

7. The Council finds that the adoption of this ordinance is exempt from the provisions of the California Environmental Quality Act pursuant to CEQA Guidelines Section 15061(b) (3).

SECTION 2: Chapters 8.01, 8.04, 8.12, 8.16 and 8.18 of the Wildomar Municipal Code

are repealed and readopted to read as follows and Chapter 8.05 and 8.06 are added:

**Chapter 8.01
Wildomar Administrative Provisions**

Sections:

8.01.010 Hours of Construction
8.01.020 Rubbish and Debris

8.01.020 Hours of Construction.

Hours of Construction. Any construction within the city located within one-fourth (1/4) mile from an occupied residence shall be permitted Monday through Saturday, except nationally recognized holidays, 6:30 am to 7:00 pm. There shall be no construction permitted on Sunday or nationally recognized holidays unless approval is obtained from the City Building Official or City Engineer.”

8.01.030 Rubbish and Debris.

Rubbish and Debris Every person who constructs, alters, adds to, rehabilitates, places or repairs any building structure or building service equipment is subject to the following provision relating to rubbish and debris:

1. **Collection and Disposal.** During the process of constructing a building or structure, the construction site and the general area around the site shall be kept clear of rubbish and debris that result from the construction activities. Rubbish and debris shall not be allowed to accumulate on or be blown from the site and shall be placed in appropriate containers or removed from the construction site to an authorized disposal area. All containers shall be emptied periodically at an authorized disposal area so they will remain usable for the collection of rubbish and debris. When the building or structure is completed, a final cleanup of the site shall be conducted by the permittee.

2. **Inspections.** A permit holder shall not be entitled to, and no building inspector shall make an inspection of any phase of completed construction work, including the final inspection, if the construction site or general area thereof contains an accumulation of construction rubbish and debris. If a building inspector is unable to conduct a requested inspection because of an accumulation of rubbish and debris, a re-inspection fee may be assessed and required to be paid prior to a request for re-inspection is made. Failure to maintain a construction site clear of waste and other trash or debris, and in such a manner that is determined to constitute a health and safety hazard or constitutes a public nuisance, shall result in the issuance of a Stop Work order.

3. **Rubbish and debris** for the purpose of this section, includes, but is not limited to, stub ends of cut lumber, broken lumber and other scrap wood, scrap cement and plaster, scrap metal, paper cartons, wrappings, and similar materials that result from the process of constructing a building or structure.”

**Chapter 8.04
Building Code**

Sections:

8.04.010	Building Code Adopted
8.04.020	Fees
8.04.030	Board of Appeals
8.04.040	Garage Requirements
8.04.050	Duct Penetrations
8.04.060	Fences

Wildomar Building Code

8.04.010 Adoption by Reference-Building Code. Except as hereinafter changed or modified, the 2010 California Building Code, along with Appendices C,G,H, I and K of that certain building code, as published by the California Building Standards Commission, are hereby adopted by reference and incorporated into this Title 8 of the Wildomar Municipal Code. A copy of said California Building code, including the above-designated appendices, shall be on file in the office of the City Clerk.

8.04.020 Fees. Chapter 1, Section 1.8.4. Permit Fees, Applications and Inspections are amended by adding the following:

“On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid in accordance with the schedule as established by resolution of the City Council of the city of Wildomar.”

8.04.030 Board of Appeals. Chapter 1 Section 1.8.8.1 is hereby amended by adding the following:

1.8.8.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a Building Board of Appeals. The Building Board of Appeals shall be appointed by the City Council and shall hold office at its pleasure. The Board shall adopt rules of procedure for conducting its business. In the event the City Council fails to appoint such a Board, the Planning Commission shall function as such.

1.8.8. Board of Appeals. Section 1.8.8 is further amended by adding the following:

1.8.8.4 Limitations on Authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under has been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The Board shall have no authority to waive requirements of this code.

1.8.8.5 Qualifications. The Building Board of Appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the City. The Building Official shall act as secretary to the Board.

1.8.8.6 Accessibility Appeals Board. In order to conduct the hearings on written appeals regarding action taken by the building official and to ratify certain exempting actions of the building official in enforcing the accessibility requirements of Title 24 of the California Code of Regulations for privately-funded construction, to serve as an advisor to the building official on disabled access matters, and to make recommendations to the City Council on appeals of decisions made by the building official on City-funded buildings, there shall be an Accessibility Appeals Board. The Accessibility Appeals Board shall consist of five members. Two members of the Appeals Board shall be physically disabled persons, two members shall be persons experienced in construction, and one member shall be a public member. The Building Official shall act as Secretary to the Board. The members of the Accessibility Appeals Board shall be appointed by the City Council and shall hold office at its pleasure.

The Accessibility Appeals Board may approve or disapprove interpretations and enforcement actions taken by the Building Official. All such approvals or disapprovals for privately funded construction shall be final and conclusive as to the Building Official in the absence of fraud or prejudicial abuse of discretion. The Board shall adopt regulations establishing procedural rules and criteria for the carrying out of its duties.

8.04.030 Garage Requirements. Chapter 4, Section 406.1.4, 1, is hereby amended to read as follows:

The private garage shall be separated from the dwelling unit and its attic by means of a minimum 5/8-inch (15.875mm) Type X Gypsum Board applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms above by not less than a 5/8-inch Type X Gypsum Board or equivalent. Door openings between a private garage and the dwelling unit shall be equipped with either solid wood doors or solid or honeycomb core steel doors not less than 1 3/8 inches (34.9mm) thick, or doors in compliance with Section 715.3. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Doors shall be self-closing and self-latching.”

8.04.040 Duct Penetrations. Chapter 4, Section 406.1.4, 2, is hereby amended to read as follows:

“Ducts in a private garage and ducts penetrating the walls or ceilings separating the dwelling unit from the garage shall be constructed of a minimum 0.019-inch (0.48mm) sheet steel and shall have no openings into the garage.

All penetrations shall be protected by an approved and listed one (1) hour rated material.”

8.04.050 Fences. Chapter 1, Section 105.2, 2, is hereby amended to read as follows:

“2. Fences not over six (6) feet high, masonry block walls less than three (3) feet high.”

**Chapter 8.05
Residential Code**

8.05.010 Adoption of the California Residential Code

Except as hereinafter modified or changed, the 2010 California Residential Code published by the California Building Standards Commission are hereby adopted by reference and incorporated into this Title 8 of the Wildomar Municipal Code.

A copy of said California Residential Code shall be on file in the office of the City Clerk.

**Chapter 8.06
Green Building Code**

8.06.010 Adoption of the Green Building Standards Code

Except as hereinafter modified or changed, the 2010 California Green Building Standards Code published by the California Building Standards Commission is hereby adopted by reference and incorporated into this Title 8 of the Wildomar Municipal Code.

A copy of said California Green Building Standards shall be on file in the office of the City Clerk.

**Chapter 8.08
Electrical Code**

Sections:

**8.08.010 Adoption of Electrical Code
8.08.020 Commercial Projects**

Except as hereinafter changed or modified, the 2010 California Electrical Code, Annexes A, B, C, G and H of that certain electrical code, as published by the California Building Standards Commission, are hereby adopted by reference and incorporated into this Title 8 of the Wildomar Municipal Code.

8.08.020 Commercial Projects. Annex H, Section 80.19 is hereby amended by adding subsection (3) which reads as follows:

“(3) For all commercial projects, a California Licensed Electrical Contractor shall be responsible for obtaining permits for electrical work performed.”

A copy of said California Electrical Code, including the above-designated appendix, shall be on file in the office of the City Clerk.

**Chapter 8.12
Mechanical Code**

8.12.010 Adoption of Mechanical Code

Except as hereinafter changed or modified, the 2010 California Mechanical Code, and Appendix A, of that certain mechanical code known as published by the California Building Standards Commission, are hereby adopted by reference and incorporated into this Title 8 of the Wildomar Municipal Code.

A copy of said California Mechanical Code, including the above-designated appendices, shall be on file in the office of the City Clerk.

**Chapter 8.16
Plumbing Code**

8.16.010 Adoption of Plumbing Code

Except as hereinafter changed or modified, the 2010 California Plumbing Code, and Appendices of that certain plumbing code as published by the California Building Standards Commission, are hereby adopted by reference and incorporated into this Title 8 of the Wildomar Municipal Code.

A copy of said California Plumbing Code, including the above-designated appendices, shall be on file in the office of the City Clerk.

**Chapter 8.18
Housing Code**

8.18.010 Adoption of Housing Code

Except as hereinafter modified or changed, the 1997 Uniform Housing Code published by the International Conference of Building Officials and adopted as reference in the State Housing Law, Title 25, of the California Code of Regulations, Division 1, is hereby adopted by reference and incorporated into this Title 8 of the Wildomar Municipal Code.

A copy of said Uniform Housing Code shall be on file in the office of the City Clerk.

**Title 8 Health and Safety
Chapter 8.48 Automatic External Defibrillators (AED”s)**

The City Council finds determines and declares that:

- Where as: Approximately 294,000 out-of-hospital, sudden cardiac arrests (SCA) occur annually in the United States, and
- Where as: defibrillation or shock using an automated external defibrillator (AED) is the only effective therapy for SCA arrest; and
- Where as: for each minute that passes without cardiopulmonary resuscitation (CPR) and defibrillation, the chance of survival from SCA decreases 7% - 10%; and
- Where as: the survival rate from SCA in places where no CPR and defibrillation program is in place is only about 5%; and

- Where as: when AED programs provide immediate CPR and AED shock within the first minute of collapse, the survival rate from cardiac arrest is as high as 74%; and
- Where as: requiring AEDs in certain buildings will reduce emergency care response times, increase the chances of survival, and safeguard the lives of persons who experience SCA; and
- Where as: California has enacted a Good Samaritan Law that, subject to certain requirements, may limit the liability of one who renders emergency care via an AED.

8.48.10 Findings, purpose and intent.

- A. It is the purpose and intent of the City Council of the City of Wildomar through the adoption of this Chapter, to promote public health, safety, and welfare by improving emergency care response times to those suffering from sudden cardiac arrest (SCA), thereby improving chances of survival.
- B. The requirements of this Chapter are intended to provide for faster emergency response in large buildings, multi-story buildings, and/or buildings with large numbers of occupants where first responder access may be impeded due to building use, occupancy, location, layout, construction, or other reasons. This Chapter is not intended to create a new standard of care.

8.48.20 Definitions

Except as otherwise provided, for the purposes of this Chapter: Automated External Defibrillator or AED means "Automated External Defibrillator" or "AED" as defined in the California Code of Regulations, Title 22, Division 9, Chapter 1.8., Section 100033, which states "Automated External Defibrillator" or "AED" means an external defibrillator that after user activation is capable of cardiac rhythm analysis and will charge and deliver a shock, either automatically or by user interaction, after electronically detecting and assessing ventricular fibrillation or rapid ventricular tachycardia. AED shall also have the same meaning as "Automatic External Defibrillator" pursuant to Health and Safety Code section 1797.196.

8.48.30 New Construction Requiring AEDs

- A. Prior to issuance of a certificate of occupancy or approval of final inspection, AEDs shall be placed in all newly constructed buildings in the occupancy groups and with occupant loads in excess of that shown in Table 8.48.30. The occupant load shall be determined based on the occupant load factors in the California Building Code. Occupancy groups shall be determined based on Chapter 3 of the California Building Code.

- B. AEDs shall be conspicuously placed and readily accessible in the event of an emergency. AEDs shall be mounted such that the top of the AED is no more than five (5) feet above floor level.

Table 8.48.30

Occupancy Group	Occupant Load
Group A "Assembly"	300
Group B "Business"	300
Group E "Educational"	300
Group H "High Hazard"	300
Group I "Institutional"	300
Group M "Mercantile"	300
Group R "Residential" ¹	300
Group S "Storage" ²	300
Group F "Factory"	300

1 Excluding single-family and multi-family dwelling units

2 Excluding parking garages

8.48.40 Location of AEDs

- A. When required pursuant to this Chapter, AEDs shall be located in buildings to optimally achieve a three minute response time to the person in need of emergency care using the AED.
- B. When required on every floor of a building pursuant to section 8.48.30 and Table 8.48.30, AEDs shall be located as follows:
- (1) One AED shall be placed at the main entrance of every floor;
 - (2) AEDs shall be located on each floor such that the maximum length of travel measured from the most remote point on a floor to any AED, shall not exceed 300 feet; and
 - (3) AEDs shall be located on each floor such that the maximum length of travel between any two AEDs shall not exceed 600 feet.
- C. When not required on every floor of a building pursuant to section 8.48.30 and Table 8.48.30, AEDs shall be located as follows:

- (1) One AED shall be placed at the main entrance of every floor required to have one or more AEDs; and
- (2) AEDs shall be located such that the maximum length of vertical travel between any two AEDs on any two floors with an AED shall not exceed 450 feet.

8.48.50 New Construction and Existing Building Owner/Tenant

New construction tenant spaces and new construction occupancy buildings shall require an AED when exceeding the occupant load per Table 8.48.30. For existing buildings that have new tenants and/or owners shall require an AED when exceeding the occupant load per Table 8.48.30. For multi-tenant buildings an AED shall be placed in the common area on each floor when exceeding the occupant load per Table 8.48.30 for the entire building. More than one AED may be required per building based on Section 8.48.40 for spacing requirements.

8.48.60 AED Installation, Repair, and Training Requirements

For all newly constructed buildings that require AEDs pursuant to section 8.48.30 and Table 8.48.30, the building owner or principal (if in a K-12 school) shall ensure annual written certification of the AED is provided to the Fire Department verifying any AED required pursuant to this Chapter is in good working condition and has received necessary maintenance. The building owner or principal shall also ensure compliance with all requirements under state and federal law relating to AEDs and may ensure that the conditions for limits on liability under state law are met. Such requirements and conditions may include, but may not be limited to, the following:

- A. Registration of the AED, at the time it is acquired, with the City of Wildomar Fire Department and the Riverside County Emergency Medical Service (REMS) Agency including the existence, location, and type of AED;
- B. Written validation and prescription for use of the AED(s) is secured by trained individuals from a prescribing physician, which may be arranged through the American Heart Association;
- C. Training of at least one employee per every AED for the first five acquired and one employee for every five more AEDs acquired thereafter in cardiopulmonary resuscitation and AED use that complies with the California Code of Regulations and the American Heart Association or the American Red Cross standards;
- D. Trained employees made available to respond to an emergency during normal operating hours;
- E. Installation, maintenance, repair, testing, and readiness checks of each AED in accordance with the manufacturer's operation and maintenance guidelines, the American Heart Association, the American Red Cross, the California Code of Regulations, and all other applicable rules and regulations, including but not limited to, all regulations promulgated by the Federal Food and Drug Administration;
- F. Maintenance of records of employee training, installation, maintenance, repair, testing, and checking of the AED on the premises for a minimum of one year and readily available upon request by the Fire Department, Building Official, or other enforcement designee or agency;

- G. Upon rendering emergency care using the AED, activation of the Fire Department emergency 911 system as soon as possible and report of any use of the AED to the prescribing physician;
- H. Tenants annual receipt of an American Heart Association or American Red Cross approved brochure on the proper use of an AED also posted next to all AEDs, and tenant notification of the location of all AEDs in the building;
- I. School staff and administrators annual receipt of an American Heart Association or American Red Cross approved brochure on the proper use of an AED also posted next to all AEDs, and notification of the location of all AEDs on campus; and
- J. Development of a written internal emergency response system and plan in coordination with a California licensed physician and surgeon describing the procedures to be followed in the event of an emergency that may involve the use of an AED, including but not limited to, immediate notification of the Fire Department and trained personnel at the start of AED procedures.

8.48.60 Exemption for AEDs Used Solely for Demonstration Purposes

Any AED used solely for demonstration or training purposes, which is not operational for emergency use, shall be exempt from the provisions of this Chapter. Any AED used solely for demonstration purposes shall be clearly marked on the exterior that it is for "DEMONSTRATION USE ONLY" and is "NOT FOR USE TO RENDER EMERGENCY CARE."

8.48.70 Immunity and Sunset Provision for AED Requirements

The provisions of this Chapter shall remain in effect until the sunset of Health and Safety Code section 1797.196 [Good Samaritan Law], which is currently set to expire January 1, 2013, at which time this Chapter shall be automatically repealed and removed from the Code. However, if the State Legislature extends or makes permanent the applicability of the Good Samaritan Law, the provisions of this Chapter shall be extended and remain in effect for as long as State immunity is provided.

SECTION 3: This ordinance shall become effective on _____.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2010.

Bridgette Moore, Mayor

ATTEST:

Debbie Lee, City Clerk

APPROVED AS TO FORM:

Julie Biggs, City Attorney

CITY OF WILDOMAR – COUNCIL
Agenda Item #3.5
GENERAL BUSINESS
Meeting Date: November 10, 2010

TO: Mayor and City Council Members
FROM: Frank Oviedo, City Manager
SUBJECT: Second Hand Smoke Ordinance Advisory Report

STAFF REPORT

RECOMMENDATION:

That the City Council provide direction to Staff regarding an ordinance for limiting exposure to tobacco and the effects of second hand smoke in the City of Wildomar.

BACKGROUND:

Annually the American Lung Association produces a report card for cities in California that have adopted ordinances for protecting residents from tobacco and the effects of second hand smoke. The evaluation is based on whether a City has the following ordinances in place:

1. Smoke free Outdoor Air;
2. Smoke free Housing;
3. Reducing Sales of Tobacco Products.

These three grades are averaged for one overall local tobacco control grade. The City of Wildomar was noticed by the local chapter of the American Lung Association that we will be included in the upcoming evaluation. While there is no legal implications for not implementing these ordinances there are potential public policy reasons related to the health of the community that may be considered.

Staff is seeking direction from the City Council on whether proceeding with an ordinance would be appropriate at this time. The cities of Richmond, Albany, Calabasas, and Glendale are the only cities in the State that have received “A” grades for their efforts. If the Council chooses to move forward with an ordinance staff would like direction regarding which of the three criteria should be pursued. Council could also decide to only address one or two of the three. The third option would be the Council chose to not address this issue as this time. Regardless of the option selected staff will need the Council’s input for the purpose of defining what outcome, if any, should be pursued.

For those reasons staff is asking the City Council to provide direction regarding a potential ordinance for limiting exposure to tobacco and the effects of second hand smoke in the City of Wildomar.

FISCAL IMPACT:

There is no immediate fiscal impact by providing direction. Depending on the direction Council provides the financial impacts will vary.

Submitted and Approved by:

Frank Oviedo
City Manager