**CITY OF WILDOMAR – CITY COUNCIL**
**Agenda Item #2.1**
**PUBLIC HEARING**
**Meeting Date: February 11, 2015**

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**TO:** Mayor and City Council Members

**FROM:** Matthew C. Bassi, Planning Director

**SUBJECT:** Wal-Mart Development Project (Planning Application No. 13-0086)

## STAFF REPORT

### STAFF RECOMMENDATION

The Planning Commission recommends that the City Council take the following actions:

1. Adopt a Resolution entitled:

RESOLUTION NO. 2015 - _____
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, FOR THE CERTIFICATION OF AN ENVIRONMENTAL IMPACT REPORT (SCH# 2014011014), INCLUDING ADOPTION OF THE FINAL ENVIRONMENTAL IMPACT REPORT, FINDINGS OF FACT, STATEMENT OF OVERRIDING CONSIDERATIONS, AND A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE WAL-MART DEVELOPMENT PROJECT (PLANNING APPLICATION NO. 13-0086) LOCATED AT SOUTHWEST CORNER OF MONTE VISTA AVENUE AND BUNDY CANYON ROAD (APN: 367-100-033; 367-100-034; 367-100-035; 367-100-037)

2. Introduce and approve first reading of an Ordinance entitled:

ORDINANCE NO. _____
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, APPROVING A CHANGE OF ZONE (PLANNING APPLICATION NO. 13-0086) FROM R-R (RURAL RESIDENTIAL) TO C-P-S (SCENIC HIGHWAY COMMERCIAL) FOR THE WAL-MART DEVELOPMENT PROJECT LOCATED AT SOUTHWEST CORNER OF MONTE VISTA AVENUE AND BUNDY CANYON ROAD (APN: 367-100-033; 367-100-034; 367-100-035; 367-100-037)

3. Adopt a Resolution entitled:

RESOLUTION NO. 2015 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 13-0086 TO ALLOW ALCOHOL SALES AND PLOT PLAN NO. 13-0086 ALLOWING DEVELOPMENT OF A 185,682 SQUARE-FOOT RETAIL BUILDING AND A 7,800 SQUARE-FOOT RETAIL BUILDING FOR THE WAL-MART DEVELOPMENT PROJECT LOCATED AT SOUTHWEST CORNER OF MONTE VISTA AVENUE AND BUNDY CANYON ROAD (APN: 367-100-033; 367-100-034; 367-100-035; 367-100-037)

## BACKGROUND / DESCRIPTION

The Applicant (Wal-Mart Real Estate Business Trust) is requesting City Council approval to build a new Wal-Mart retail store and a smaller retail building on a 21.96 acre site. The proposed project consists of the following applications:

1) Environmental Impact Report (EIR) - The proposed project requires the preparation, review and certification of an Environmental Impact Report ("EIR" - SCH# 2014011014) in accordance with Public Resources Code § 21080(d) and § 21082.2(d).

2) Change of Zone (CZ) - The proposed project requires a Change of Zone from the current designation of R-R (Rural Residential) to C-P-S (Scenic Highway Commercial) for the 21.96 acre site to accommodate the proposed retail project.

3) Conditional Use Permit (CUP) - The proposed project requires a Conditional Use Permit to allow the sale of alcohol (Off Sale General); and

4) Plot Plan (PP) - The proposed project requires a Plot Plan to develop the 21.96 acre site with a 185,682 square-foot Wal-Mart retail building and a separate 7,800 square-foot retail building with a 980 space parking lot and full on-site and off-site site improvements, and a sign program, subject to conditions.

***Planning Commission Review:***

The Planning Commission reviewed the proposed Wal-Mart Development project at a public hearing held on January 21, 2015. After the Applicant made their presentation, there were approximately 13 speakers who addressed the Commission expressing comments and questions about the propose project. Comments ranged from drainage to traffic questions and sales tax questions. In addition to the speakers, 18 other people submitted speaker slips (offering support), but wished not speak at the podium.

Staff did receive a last minute letter at the Planning Commission meeting from Ray Johnson (Attachment E). Mr. Johnson, representing local residents opposing certification of the Final EIR and approval of the Walmart project, cited that the City's failed to respond to his comments in a good faith effort and did not adequately make the appropriate findings for the Statement of Overriding Considerations in the FEIR. In summary, staff disagrees with the conclusions of the letter, and has prepared detailed responses for Council consideration (Attachment F).

Upon conclusion of the public hearing and Planning Commission discussion, the Commission voted (4–0–1, Bidwell absent) to adopt PC Resolution No. 2015-01 recommending City Council certification of the EIR and adoption of the Final EIR, Finding of Fact, Statement of Overriding Considerations, and a Mitigation Monitoring & Reporting Program (MMRP). The Commission also voted (4–0–1, Bidwell absent) to adopt PC Resolution No. 2015-02 recommending City Council approval of the Change of Zone, and PC Resolution No. 2015-03 recommending City Council approval of the CUP and Plot Plan, subject to Conditions of Approval. No changes to the project were recommended by the Planning Commission.

***Project Location/Vicinity:***

The project site encompasses approximately 21.96 acre and is located on the southwest corner of Monte Vista Drive and Bundy Canyon Road. The vicinity map on the next page shows the project site and surrounding area.

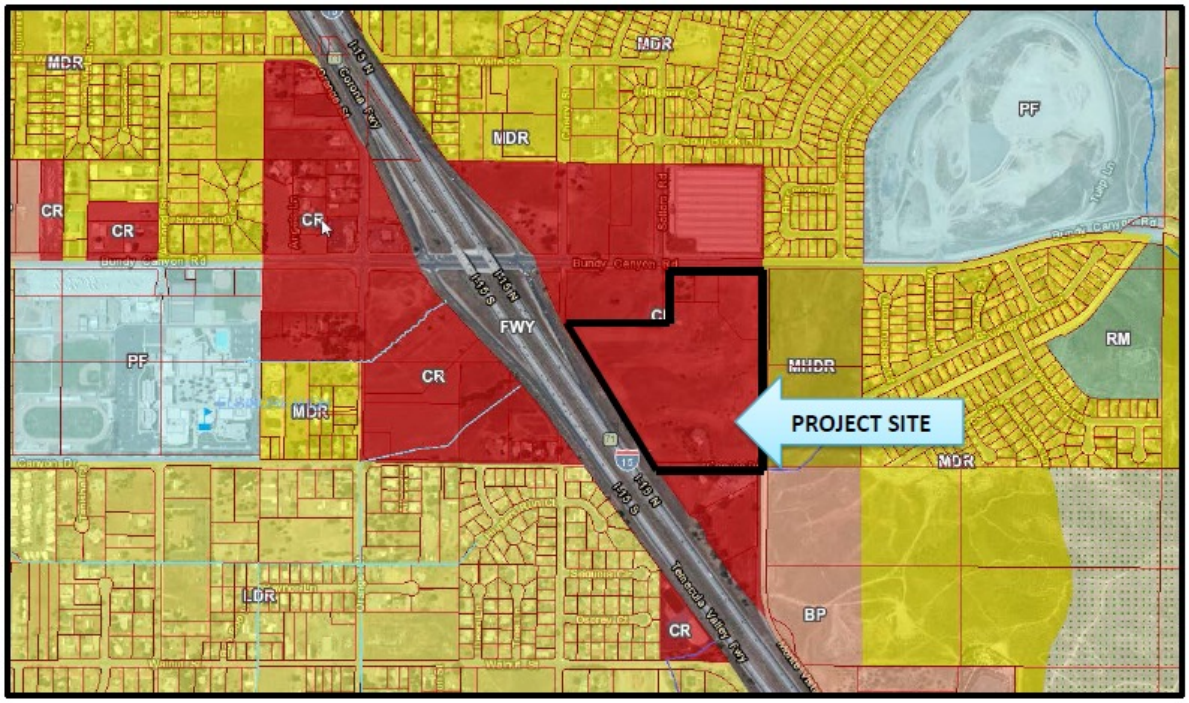
**Vicinity/Location Map**

***Surrounding Land Uses:***

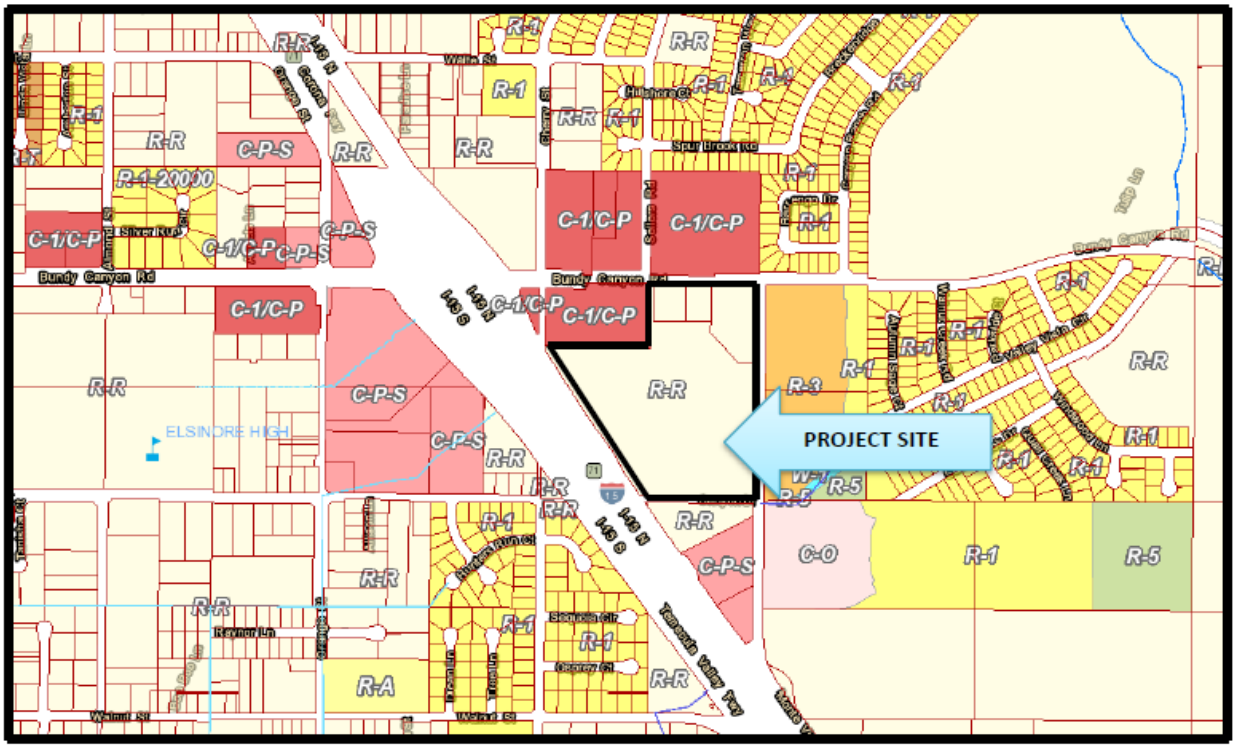
The project site is a rather large site (21.96 acres) and is directly adjacent to the I-15 freeway and south of the Canyon Plaza retail center (Shell gas station). There is a large vacant property immediately east of the site (across Monte Vista Drive) that has an approved tract map for 100± single family homes. There is a single family dwelling south of the project site. The table below summarizes the current General Plan land use and zoning information related to the project site and surrounding properties.

| ADJACENT LAND USE, GENERAL PLAN AND ZONING | | | |
|---|---|---|---|
| **Location** | **Current Land Uses** | **General Plan Land Use Designations** | **Zoning Designations** |
| **Subject Property** | Vacant | Commercial Retail (CR) | R-R (Rural Residential) – proposed to be C-P-S (Scenic Highway Commercial) |
| **North** | Canyon Plaza – Shell Gas Station & Self-Storage Facility | Commercial Retail (CR) | C-1/C-P (General Commercial) |
| **South** | Single Family Dwelling | Commercial Retail (CR) | R-R (Rural Residential) |
| **East** | Vacant | Medium High Density Residential (MHDR) | R-3 (General Residential) |
| **West** | I-15 Freeway | N/A | N/A |

**General Plan Land Use Exhibit**



## Zoning Designation Exhibit


PROJECT SITE
R-R
R-1
R-3
R-5
R-A
C-O
C-P-S
C-1/C-P
R-1-20000
Bundy Canyon Rd
Spur Brook Rd
Hillsborough Ct
Silver Rush
Walnut St
Reynier Ln
Sierra Cir
Canyon Cir
Tenaxa Valley Pkwy
Monte Vista Dr
Grand Ave
Gaskill Rd
Sycamore Ln
Wildwood Ln
Wildwood Cir
Valley Vista Cir
Rancho Sierra Dr
Rancho Sierra Cir
Rancho Sierra Ct
Rancho Sierra Pl
Rancho Sierra Way
Rancho Sierra Rd
Rancho Sierra Ln
Rancho Sierra Wy

***Plot Plan:***
The proposed Wal-Mart project is a permitted use subject to approval of a Plot Plan in accordance with Section 17.76 of the Zoning Ordinance. Development of the site is subject to the development standards outlined in Section 17.76 (C-P-S zone), 17.188 (off-street parking), Section 17.252 (Signs) and 17.276 (Landscaping). A detailed discussion of the how the proposed project meets and exceeds the development standards is provided in the Analysis section of the staff report. Discussion of the Plot Plan is provided in the Analysis section of the staff report.

## PROJECT ANALYSIS

***Environmental Impact Report:***
In accordance with the California Environmental Quality Act (CEQA - Public Resources Code Section 21000–21178.1), an Initial Study was prepared to analyze the proposed Wal-Mart development project (Planning Application No. 13-0086) to determine any potential significant impacts upon the environment that would result from implementation of the project. The proposed Wal-Mart development project is considered a "project" as defined by the California Environmental Quality Act, Public Resources Code § 21000 et seq. (CEQA).

The City Council has the authority to review the proposed Wal-Mart development project in accordance with the California Government Code, Section 65854 and the City of Wildomar Municipal Code, Title 17, and certify the DEIR/FEIR. In the course of reviewing the proposed project, the Planning Director determined that there was substantial evidence that the Wal-Mart development project may have one or more significant effects on the environment; therefore, preparation of an EIR was warranted under Public Resources Code § 21080(d) and § 21082.2(d).

In accordance with state law, the Planning Department prepared and circulated a Notice of Preparation (NOP) of the DEIR which began a 30-day public comment period on the NOP. The public review period began on January 9, 2014 through February 10, 2014. As part of the NOP process, the Planning Department conducted a public scoping meeting which was held on January 27, 2014. The purpose of the scoping meeting was to receive input from the pubic on what environmental issues they felt should be addressed in the DEIR.

In the months following the NOP review period and scoping meeting, the City prepared and completed the DEIR. A Notice of Completion (NOC) was provided to the State Clearinghouse (OPR) on August 25, 2014 in accordance with Section 15085 of the CEQA Guidelines notifying the State of the availability of the DEIR for its 45-day public review period.

In addition, the Planning Department posted the Notice of Availability (NOA) with the Riverside County Clerk, and published the NOA with the Press Enterprise, a local newspaper of general circulation, on the same day giving notice to the general public and all interested parties regarding the 45-day public review period. The DEIR and

technical appendices were also posted to the City's website for public review, and a hard copy was provided at the Planning Counter.

In accordance with CEQA Guidelines § 15087 and §15105(a), the Draft EIR was circulated to the state agencies, local agencies and interested persons requesting a copy of the DEIR on August 25, 2014. This initiated the required 45-day public review period that concluded on October 8, 2014. During the public comment period, the Planning Department received seven (7) comment letters on the DEIR. In accordance with CEQA, the City has prepared detailed responses to each comment which is included in the Final EIR.

The DEIR has identified three (3) significant unavoidable impacts related to Traffic (operations/cumulative), Air Quality (operations/cumulative) and Noise (temporary construction) that can not be mitigated. However, all other impacts have been mitigated through changes, alterations and mitigation measures to a less than significant level. Staff is recommending the Planning Commission recommend the City Council make the findings required by CEQA Guideline Section 15092 and adopt a Statement of Overriding Considerations for three (3) significant unavoidable impacts pursuant to CEQA Guideline Section 15093. A detailed discussion of the unavoidable impacts is provided in the Findings of Fact and Statement of Overriding Considerations.

The DEIR, Technical Appendices, Final EIR, Findings of Fact/Statement of Overriding Considerations and the Mitigation Monitoring & Reporting Program are provided for Council consideration in Exhibits 1 – 4 of the EIR Resolution (Attachment A). The required findings are discussed in the Findings section of the staff report.

***Change of Zone:***

In order to develop the site and construct the building, a Change of Zone is required for the entire 21.96 acre site. The Applicant has proposed to change the current zoning designation from R-R (Rural Residential) to C-P-S (Scenic Highway Commercial). The C-P-S zone allows for a retail market such as Wal-Mart, in addition to the smaller retail building (near the intersection of Monte Vista Drive and Bundy Canyon Road).

In evaluating the proposed change of zone to C-P-S, staff has determined that it is consistent with the General Plan land use designation of Commercial Retail. The CR land use is intended to provide for the development of commercial retail uses at a neighborhood, community and regional level. The proposed Wal-Mart project achieves this goal. Further, the C-P-S zoning designation implements the goals and polices of the Commercial Retail land use designation, including but not limited to the following:

LU 2.1 The proposed project accommodates a land use development that is in accordance with patterns and distribution of land uses that are depicted on the General Plan Land Use map.

LU 4.1 The proposed project accommodates a land use development proposal that is located and designed to visually enhance and not degrade the character of the surrounding area.

LU 6.1 The proposed change of zone and development project has been developed in accordance with the General Plan that ensures compatibility and minimizes impacts.

LU 7.1 The proposed project accommodates a development proposal that enhances the City's fiscal viability, economic diversity and environmental integrity.

LU 7.12 The proposed project accommodates a development proposal that will provide for jobs for Wildomar residents locally that directly results in a better jobs to housing balance so that residents have an opportunity to work within the City.

LU 23.1 The proposed project accommodates the development of commercial uses in areas appropriately designated by the General Plan land use map.

LU 23.9 The proposed project is designed in a manner that considers the surroundings and visually enhances, not degrades, the character of the surrounding area.

Specific findings are provided in the Findings section of the staff report (see below).

***Conditional Use Permit:***

The Applicant has proposed to sell alcohol for off-premise consumption (ABC Type 21). In accordance with Section 17.248 of the Zoning Ordinance, this request requires approval of a Conditional Use Permit subject to several provisions as follows:

- Section 17.248.020 sets forth the requirement that off-premise sale can only occur in the R-R, C-1/C-P, C-P-S and C-R zones. As the project will have a C-P-S zone designation, the project meets this requirement.

- Section 17.248.030.C requires that off-premise sales are permitted provided the vehicular traffic from the facility does not reasonably create a potential hazard to schools, churches, public parks or playgrounds. Elsinore high school and Cornerstone Church are the nearest such uses to the Wal-Mart site. The high school is slightly over ½ mile away, while the church is slightly under a ½ mile away. Based on the site design, street improvements and distance, it is staff's opinion that the off-premise sale of alcohol will not reasonably create traffic hazards at the high school or church.

- Section 17.248.030.D requires that the notice of public hearing be sent to all property owners within a 1,000-foot radius of the project site and to the school district. On January 7, 2015, the Planning Department mailed out public hearing notices to all owners in compliance with section.

- Section 17.248.040 allows the staff to propose other conditions as part of the CUP. Staff has proposed a special condition that requires the Applicant submit proof that they have obtained a Type 21 license from the Alcoholic Beverage Control (ABC) prior to the issuance of occupancy permits for the building.

***Plot Plan:***
Development of the project site with a 185,682 square-foot Wal-Mart building and the 7,800 square-foot retail building are subject to the development standards outlined in Section 17.76 (C-P-S zone), 17.188 (off-street parking), Section 17.252 (Signs) and 17.276 (Landscaping). A detailed discussion of the how the proposed project meets and exceeds the development standards of each section is provided below. A complete set of the development plans is provided for Council consideration (Attachment D).

*C-P-S Standards (Section 17.76):*
The proposed Wal-Mart and smaller retail building are permitted uses subject to a plot plan as required by Section 17.76.010 of the C-P-S zone. As these commercial retail uses are permitted, the proposed project meets this requirement. Development of the site is also subject to the standards of Section17.76.030 (Development Standards). This section establishes standards/requirements related to lot area, setbacks, building height, etc. Based on a detailed review of the propose site plan, all development standards of Section 17.76.030 have been met or exceeded. The table on the following page summarizes compliance with these standards.

**Development Standards (17.76.030)**

| Development Standards | Minimum Standard | Proposed Project | Meets/Exceeds Requirements |
|---|---|---|---|
| Lot Area | No minimum lot area | 24.51 acres | Yes |
| Required Setbacks[1] | | | |
| Front Setback | 0 feet | 660 feet ± | Yes |
| Side Setback(s) | 0 feet | 110 – 180 feet | Yes |
| Rear Setback | 0 feet | 145 – 195 feet | Yes |
| Building Height | 50 feet max. | 29.33 feet | Yes |
| Parking – 1 space/200 s.f. of building area | 967 spaces (193,482 s.f.) | 978 spaces | Yes |
| Roof Mounted Equipment | Screened from ground level (sight distance of 1,320 ft.) | Screened below parapet from all angles | Yes |

[1] There are no setbacks for buildings which do not exceed 35 feet in height. The Wal-Mart building does not exceed 30 feet in height.

*Off-Street Parking (Section 17.188):*
The proposed project is subject to the parking requirements outlined in Section 17.188.030 of the Zoning Ordinance. Based on the square footage of the two buildings (193,482 square feet), the project is required to provide a minimum of 967 spaces. The site plan provides for 978 parking spaces which exceeds code requirements. While the parking ordinance does not require cart corrals, the Applicant has provided approximately 34 corrals spaces located in strategic places throughout the parking area for easy convenience of shoppers.

The table below summarizes other parking standards applicable to the proposed project which has been met or exceeded.

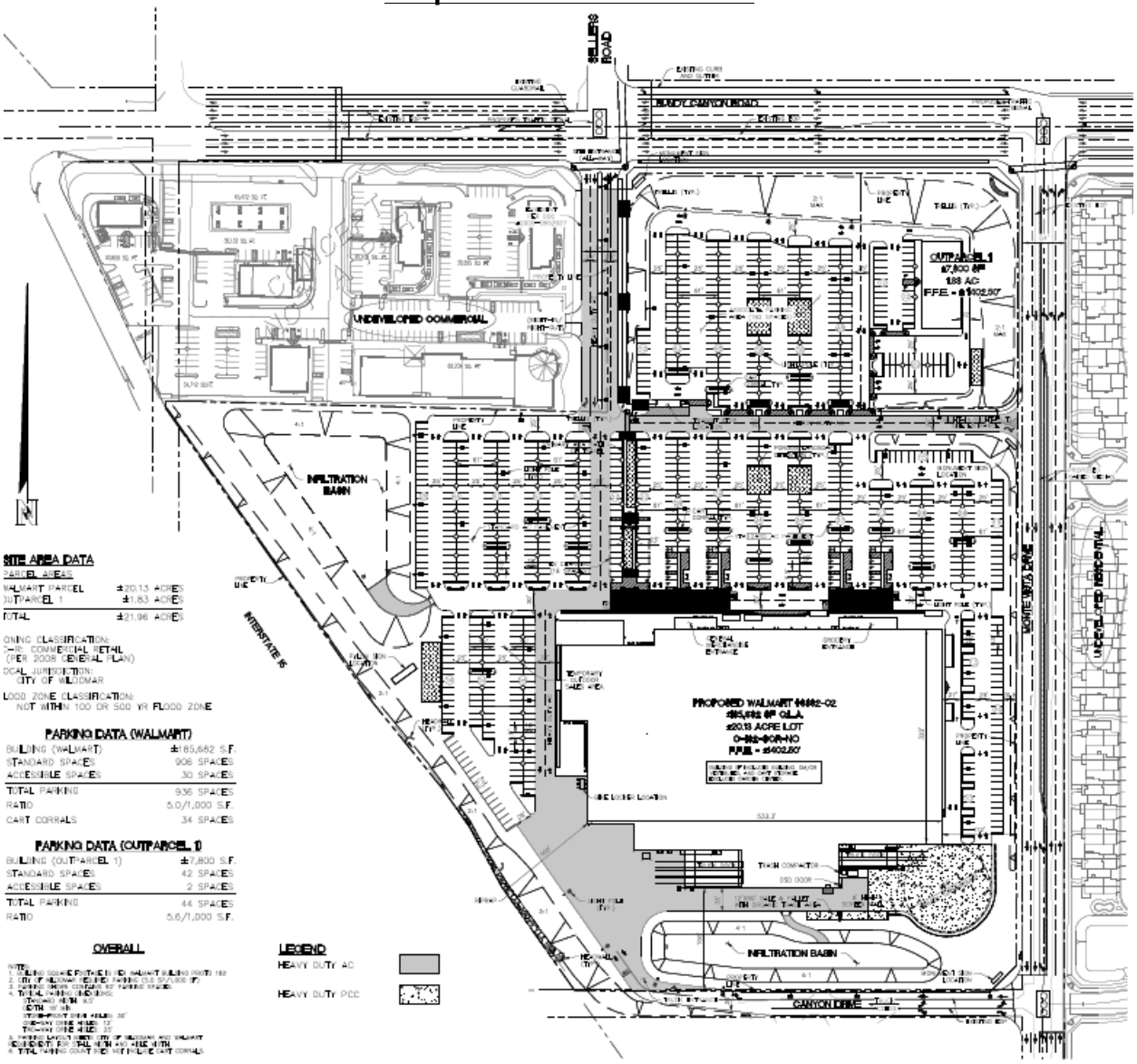
**Parking Standards (17.188)**

| Development Standards | Minimum Standard | Proposed Project | Meets/Exceeds Requirements |
|---|---|---|---|
| Parking – 1 space/200 s.f. of building area | 967 spaces (193,482 s.f.) | 978 spaces | Yes |
| Parking Space Size ($90^{O}$) | 9' x 18'<br>11' x 18' (end stalls) | 9.5' x 18' ($90^{O}$)<br>11' x 18' (end stalls) | Yes |
| Driveway/Aisle way Dimensions | 24 feet | 25 feet | Yes |
| Striping of Spaces | White painted lines | White painted lines | Yes |
| Parking Lot Lighting[2] | Shielded directing light downwards | Shielded directing light downwards | Yes |
| Loading Spaces[3] | 13 spaces | 5 truck docks | Yes |
| Accessible Spaces[4] | 20 spaces | 32 spaces | Yes |
| Bicycle Parking | 38 spaces (employees)<br>29 spaces (visitors) | 38 spaces (employees)<br>12 (visitors) | Yes<br>Yes[5] |
| E.V. Charging Spaces | N/A | 16 spaces | Yes |
| Parking Lot Shading of Spaces | 50% of spaces to be shaded | 80 - 90% at full growth | Yes |
| Total Landscaping in Parking lot | 11% | 31.6% | Yes |

A reduced copy of the proposed site plan is provided on the following page.

[2] Parking lot lighting complies with the City's Light Pollution Ordinance (Section 8.64 of the WMC).
[3] Requirement applies to multi-tenant shopping centers. As a single tenant use, Wal-Mart has provided 5 large loading docks (to meet their service demands) screened behind the building.
[4] Size of accessible spaces are 14' x 18; per UBC.
[5] A condition has been added to Resolution 2015-03 to provide 17 additional bike spaces to meet code.

## Proposed Site Plan Exhibit




*Signage (Section 17.252):*

The Applicant has proposed signage for the building and site. The sign program indicates wall signage, monument sings and a freeway sign. All signage must comply with the size and location requirements of Section 17.252. The Applicant has proposed the following signage for the Wal-Mart project.

- Three (3) monument signs have been proposed (one per street frontage) that are 49.26 square feet in size (per sign face) each and 6'7" in height. They are located at the main entrances on Bundy Canyon Road, Monte Vista Drive and Canyon Drive (refer to development plans). The sign code regulations permits one monument sign per street frontage, a maximum of 20 feet in height and a maximum of 50 square feet in size (per sign face).

- One (1) freeway pylon sign has been proposed along the western portion of the site (along the I-15 freeway for visibility) that is 30 feet tall and 99.5 square feet in size (per sign face). The sign code regulations permits one freeway oriented sign no taller than 45 feet provided its within a 660-foot distance from the freeway right-of-way, and a maximum sign area of 100 square feet in size (per sign face).

- Multiple wall signs have been proposed on all of the front and side elevations totaling 1,032.20 square feet in size. Signs are proposed to identify the Wal-Mart business as well as other services such as the pharmacy & pharmacy drive through, market, outdoor living and home & pharmacy. The height of each wall sign ranges from 1'-6" to 5'-6". The sign code regulations do not regulate the number of wall signs or the height of each letter but allows a maximum sign area that does not exceed 10% of the front and side building wall elevation surface areas.

  In reviewing the wall signs, the front elevation wall surface area is 14,292 square feet in size (26'8" x 533.3') which would allow a total sign area of 1,429 square feet (at 10%). The total sign area proposed for the front elevation is approximately 576 square feet in area (about 4%), which is less than the maximum allowed by code. The west side elevation (freeway side) wall surface area is 8,694 square feet in size (27' x 322') which would allow a total sign area of 869 square feet (at 10%).

  The total sign area proposed for the west elevation is 120.76 square feet in area (about 1.3%), which is less than the maximum allowed by code. The east side elevation wall surface area is 9,016 square feet in size (28' x 322') which would allow a total sign area of 901 square feet (at 10%). The total sign area proposed for the east elevation is approximately 377.8 square feet in area (about 4.1%), which is less than the maximum allowed by code.

Based on staff's review of the proposed sign program, all provisions of Section 17.252 of the Zoning Ordinance have been complied with in terms of quantity, location and size. Thus, the sign program is consistent with this code section.

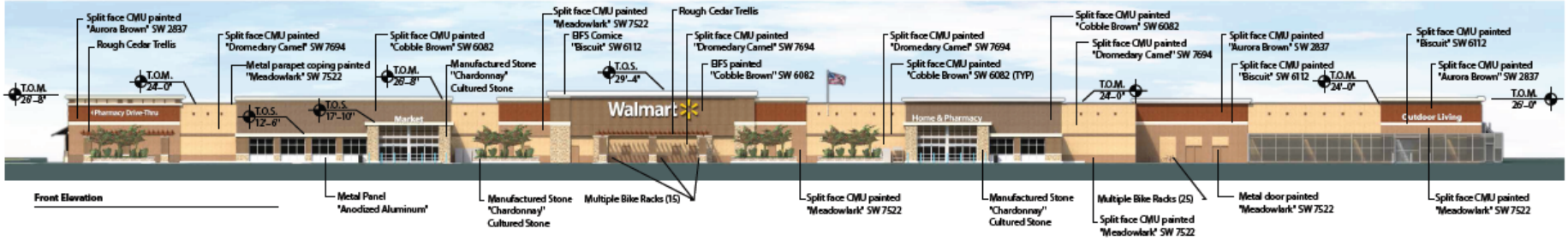
*Proposed Architectural Elevations:*

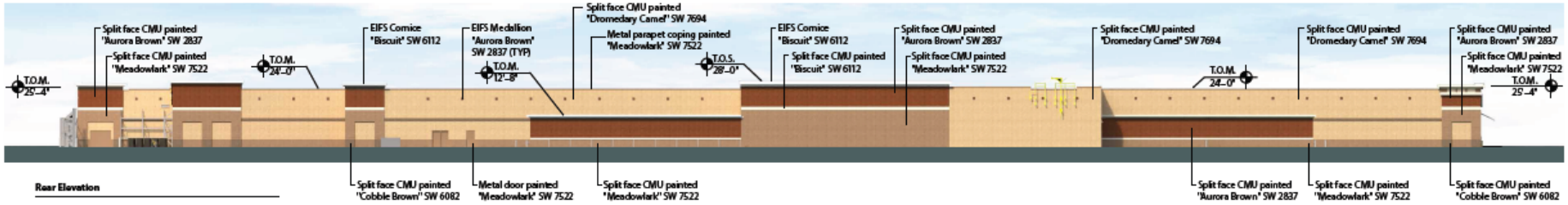
The proposed building will be constructed of decorative split-face block that will have different textures and colors depending on the elevation. A variety of colors will be used to provide accent and variation. The design also incorporates a variety of vertical and horizontal articulation to break up the large building masses on each elevation. A cornice detail will be provided along the roof line where there are prominent "entry features" on all elevations. To further accentuate the building elevations, the use of decorative stone veneer is proposed at various locations on each elevation. The front elevation will incorporate trellis features and prominent glass entry designs to accent this elevation.

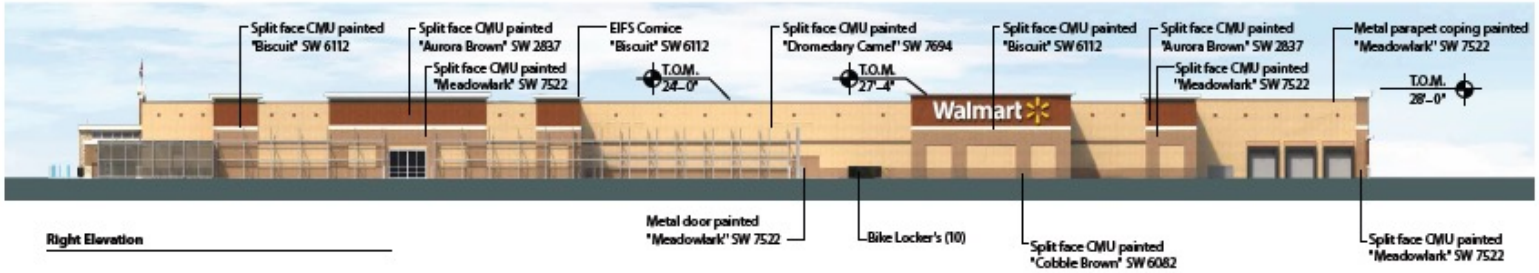
The city does not have commercial design guidelines so the final design came about from four different submittals and reviews by staff. Staff supports the final design as illustrated in the development plans package. The architectural elevations are provided for Council consideration in Attachment D. Some of the elevation exhibits are provided below. As a note, there are no design plans for the small retail building at this time. A condition has been provided that requires a separate plot plan approval for this building prior to the issuance of building permits.

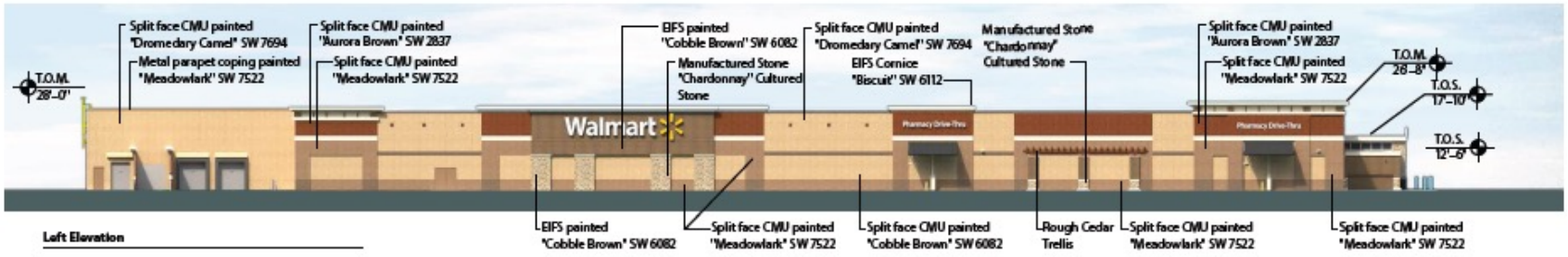
Reduced exhibits of the colored elevations and signs are illustrated on the following pages. Full size copies are provided for the Council consideration (refer to Attachment D).

# Proposed Architectural & Sign Elevations Exhibits



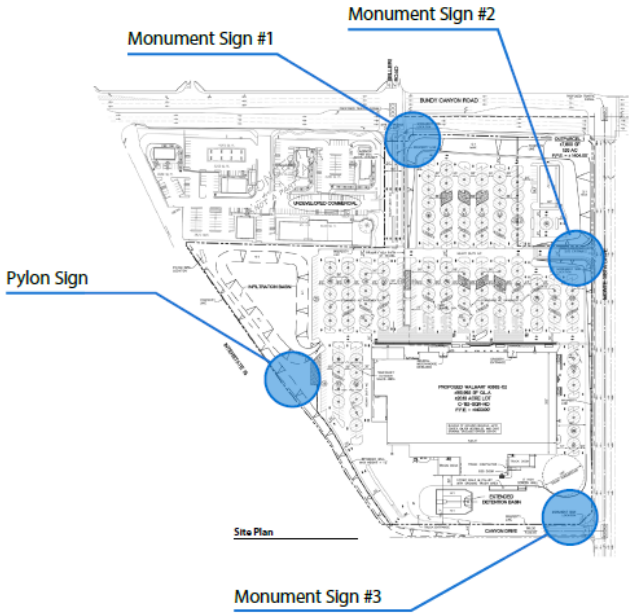
Market
Walmart

Pharmacy Drive-Thru
Walmart

Walmart
Outdoor Living

**Pylon Sign**
**99.50 sf**

**Monument Sign**
**49.26 sf**

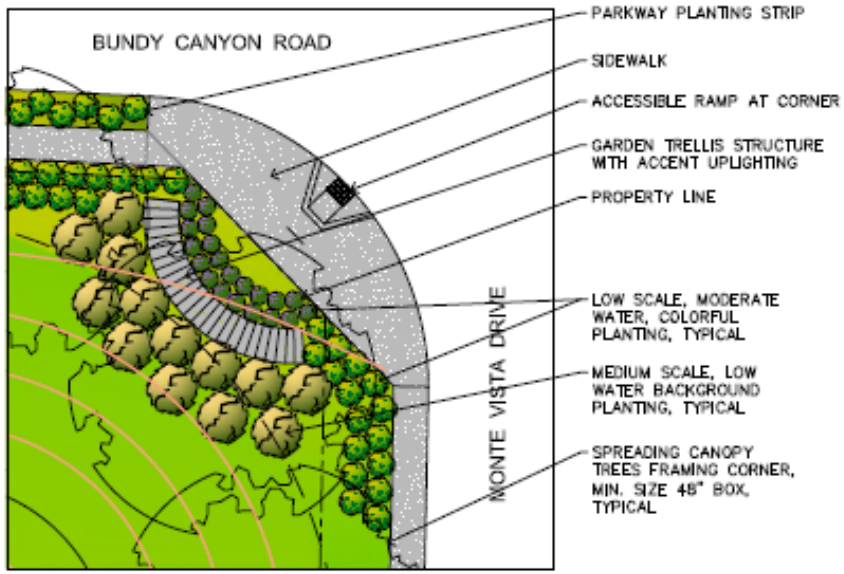


*Landscaping (Section 17.276):*
The Applicant has provided a detailed conceptual landscape plan for staff's review. In accordance with Section 17.276 of the Zoning Ordinance, the purpose of this chapter is to establish water efficient landscape regulations that are "at least as effective in conserving water as" the State Model Water Efficient Landscape Ordinance in the context of conditions in the City in order to ensure that landscapes are planned, designed, installed, maintained, and managed in a manner that uses water efficiently, encourages water conservation, and prevents water waste. The intent of this chapter is to also encourage the cooperation between the City and local water purveyors to achieve irrigation efficiency and water conservation goals.

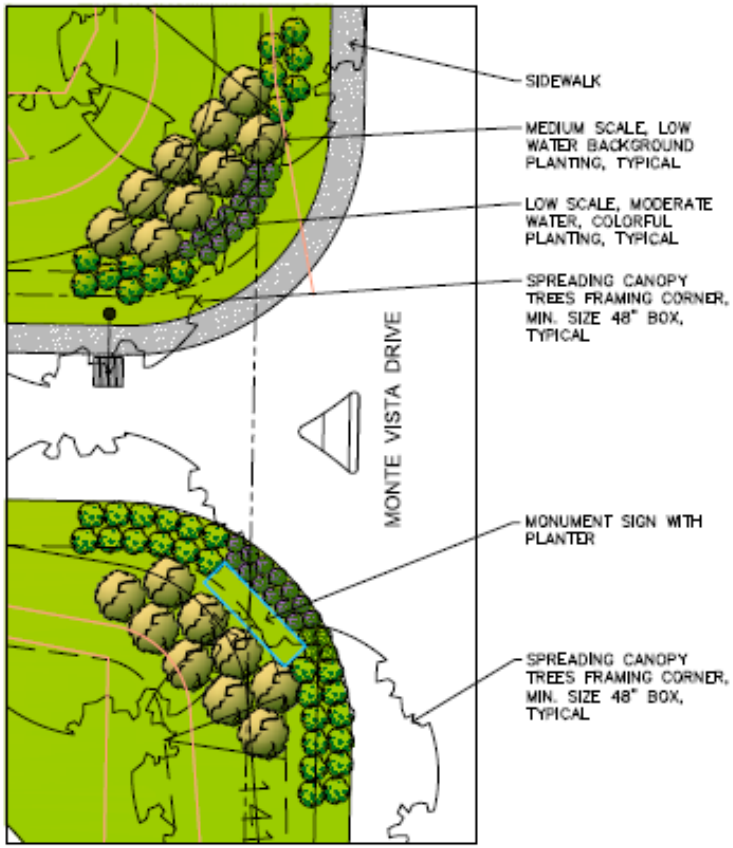
The landscape plans provide for a variety of landscape species (including drought tolerant) in varying sizes to accommodate the project. The landscape plans were reviewed by the City's Landscape Architect in accordance with the provisions of Section 17.276. Based on this review, the conceptual landscape plans are consistent with city standards. During the construction plan check process, staff will further review the detailed landscape and irrigation plans to determine that the proposed water usage meets the requirements of this section.

The proposed landscape plans are provided within the development plans for Council consideration (refer to Attachment D). Reduced copies of the landscaping exhibits are provided on the following pages.

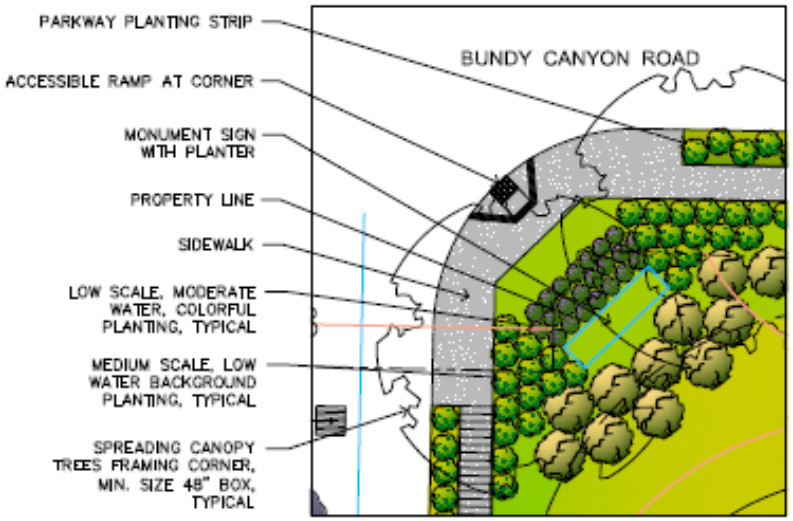
# Landscape Exhibits




ENLARGEMENT AT CORNER OF BUNDY CANYON ROAD AND MONTE VISTA DRIVE



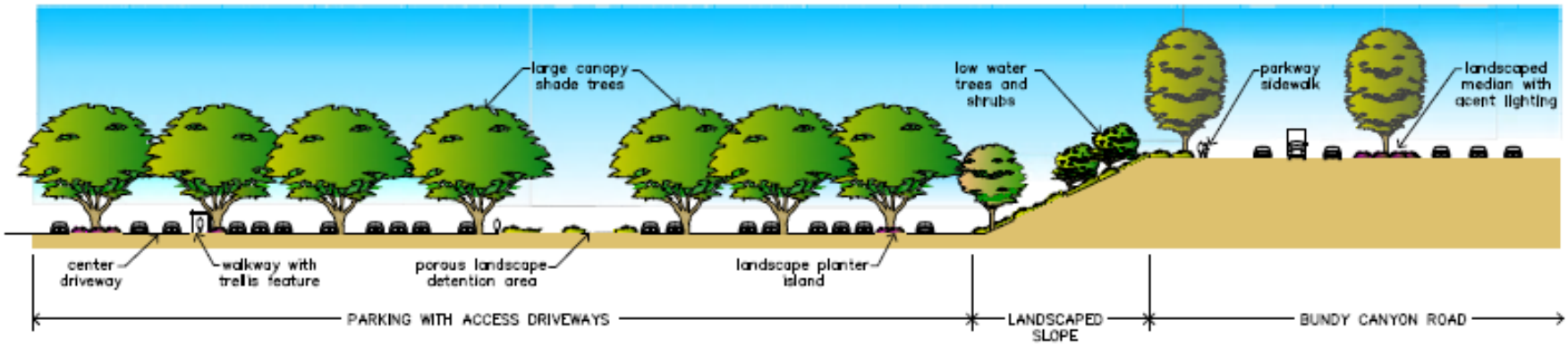

ENLARGEMENT AT ENTRY OFF MONTE VISTA DRIVE



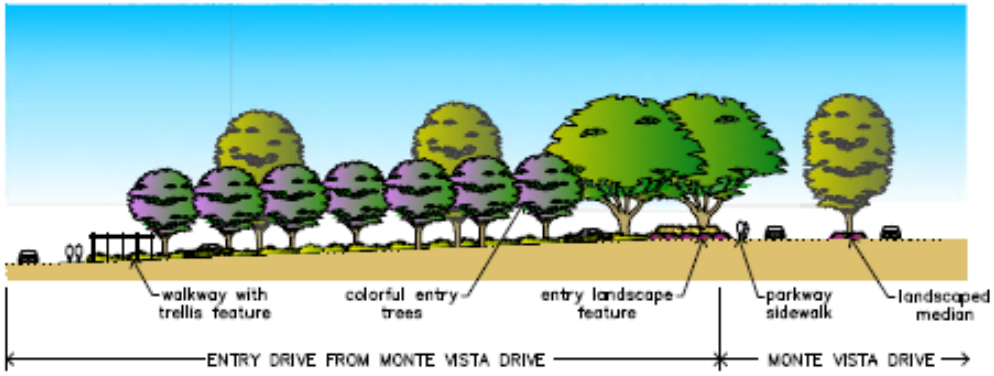

ENLARGEMENT AT ENTRY OFF BUNDY CANYON ROAD

PARTERRE

LANDSCAPE CONCEPT PLAN




CROSS SECTION A-A; Looking West

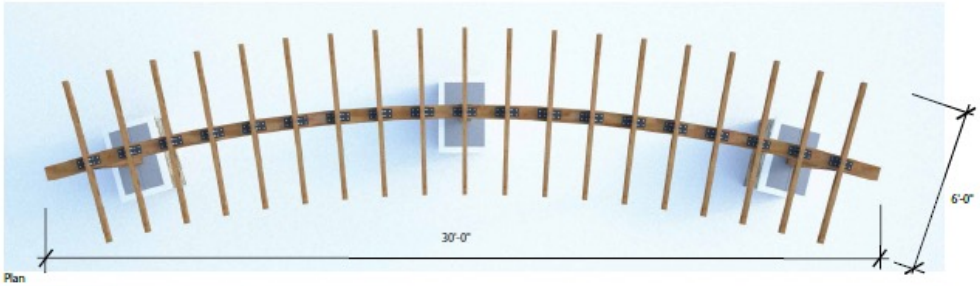



CROSS SECTION B-B: Looking North

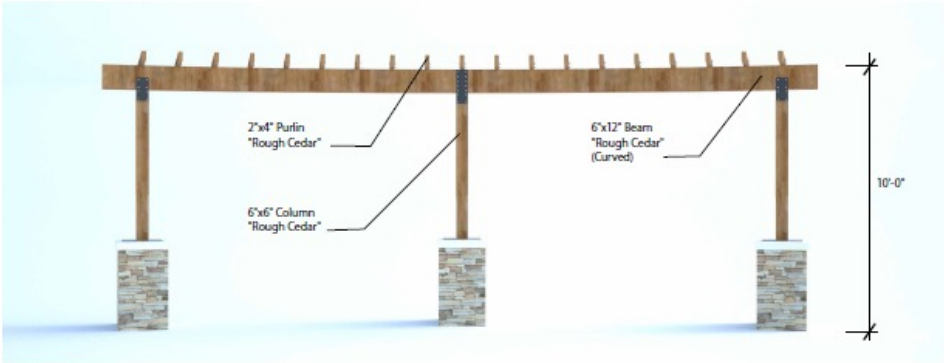
PARTERRE

# Monte Vista / Bundy Canyon Corner Treatment Illustration

Perspective




Plan




Elevation

Perspective

Walmart

*Proposed Traffic:*
A detailed traffic study (over 2,100 pages) was prepared for the project as part of the DEIR process. The proposed Wal-Mart project will generate significant traffic that will have impacts in the immediate area surrounding the project site. Based on the traffic analysis, 39 specific mitigation measures were identified to reduce traffic impacts resulting from the project. The mitigation measure are included in the DEIR and are part of the proposed mitigation monitoring & reporting program and conditions of approval (Planning Conditions No. 18 – 56, refer to Attachment C). These conditions include improvements such as traffic signals, street widening, etc.

*Proposed Vehicular Access:*
Vehicular access to and from the project will be provided via entry ways located on Bundy Canyon Road, Monte Vista Drive (right-in & right-out only) and Canyon Drive. All streets adjacent to the site have been conditioned to be fully improved per city standards to accommodate the proposed traffic from the project. The project has also been conditioned to construct traffic signals at Bundy Canyon & Sellers and Monte Vista & Canyon in accordance with city standards and the mitigation measure of the DEIR identified by the traffic study. The primary access drive aisle extending south from Bundy Canyon Road contains a median.

*Proposed Grading:*
The site has a significant elevation changed from north to south. In order to accommodate the project, it has been identified that 35,000 cubic yards of dirt will need to be imported. This was evaluated in the DEIR and mitigated appropriately. The grading of the project site will comply with city standards.

*Proposed Drainage:*
Drainage is a significant part of the proposed project. A detailed analysis and discussion of the drainage is provided in the DEIR and appropriate mitigation measures have been conditioned on the project. The Applicant is providing detention/infiltration basins throughout the project site. The largest one is located along on the west side of the site. Other porous landscape basins have been provided throughout the parking lot. The drainage of the project site complies with city standards.

*Other Amenities:*
Staff has worked with the Applicant to achieve other features not required in the development standards. For example, a special corner treatment has been designed at the intersection of Monte Vista and Bundy Canyon and at the intersections of driveways that includes trellis work, signage and landscaping. A pedestrian “paseo” with trellis work & landscaping has been provided within the parking area that leads from the northern part of the site to the building.

## REQUIRED PROJECT FINDINGS OF FACT:

***CEQA/EIR Findings:***

The Planning Commission has recommended the City Council, in light of the whole record before it, including but not limited to, the DEIR, all documents incorporated by reference therein, any comments received and responses provided, the Findings of Fact and Statement of Overriding Considerations, the Mitigation Monitoring and Reporting Program (provided in the EIR Resolution (Attachment A, Exhibit 3 & 4), 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, find and determine that:

1. Preparation of EIR: An Environmental Impact Report was prepared for the Wal-Mart development project and processed in accordance with the California Environmental Quality Act (Public Resources Code § 21000 et seq.) and the CEQA Guidelines (14 California Code of Regulations § 15000 et seq.).

2. Notice: The City has complied with CEQA Guidelines §15085 and §15087 by providing a Notice of Completion of the Draft EIR to OPR and a Notice of Availability to responsible and trustee agencies, including the Riverside County Clerk, and other persons and agencies.

3. Review Period: The City has complied with CEQA Guidelines §§ 15087 and 15105 by making the Draft EIR available to the public for review for the required 45-day period of time commencing on August 25, 2014 and concluding on October 8, 2014.

4. Response to Comments: The City has responded to all seven of the written comments received during the public review period, and included the comments and responses as part of the Final EIR included in Attachment A, Exhibit 2 of the EIR Resolution. In response to these comments, the City has made minor revisions to the Draft EIR, which are identified in the Final EIR and which do not constitute significant additional information that would require recirculation of the Draft EIR.

5. Findings for Significant Effects: The EIR identifies potentially significant effects on the environment that could result if the project were adopted without changes or alterations to the project and/or the imposition of mitigation measures. Pursuant to CEQA Guideline Section 15091, the City Council further finds that:

    a) Changes, alterations, and mitigation measures have been incorporated into, or imposed as conditions of approval on, the project.

    b) These changes, alterations, and mitigation measures will avoid the significant environment effects identified in the EIR or lessen their impact below the threshold of significance, except that three significant impacts (Traffic (operations/cumulative), Air Quality (operations/cumulative) and Noise

(temporary construction)) cannot be feasibly mitigated to less than significant levels.

c) These changes, alterations, and mitigation measures are fully enforceable because they have either resulted in an actual change to the project as proposed or they have been imposed as conditions of approval on the project.

d) The City has prepared a Mitigation Monitoring and Reporting Program included in the EIR Resolution (Attachment A, Exhibit 4) to track compliance with these changes, alterations, and mitigation measures identified in the Wal-Mart development project Environmental Impact Report.

6. Statement of Overriding Considerations: Approval of the project will result in three significant unavoidable impacts related to Traffic (operations/cumulative), Air Quality (operations/cumulative) and Noise (temporary construction) that cannot be feasibly mitigated to below the threshold of significance. However, all other impacts have been mitigated through changes, alterations and mitigation measures to a less than significant level. The Planning Commission recommends that the City Council adopt a Statement of Overriding Considerations pursuant to CEQA Guideline Section 15093 for three significant unavoidable impacts related to Traffic (operations/cumulative), Air Quality (operations/cumulative) and Noise (temporary construction) as discussed and addressed in the DEIR & FEIR.

7. Independent Judgment: The DEIR and FEIR reflects the independent judgment and analysis of the City.

***Change of Zone Findings:***

In accordance with the State of California, Government Code Section 65853 – 65857 and Section 17.280 of the Wildomar Municipal Code, the Planning Commission recommends the City Council, in light of the whole record before it, including but not limited to the Planning Department's staff report and all documents incorporated by reference herein, the City's General Plan and any other evidence within the record or provided at the public hearing of this matter, find and determine as follows:

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

Evidence: The proposed change of zone for the Wal-Mart development project from the current zoning designation of R-R (Rural Residential) to C-P-S (Scenic Highway Commercial) is consistent with the City's General Plan in that the proposed zoning and land use designations are intended to provide for the development of commercial retail uses at a neighborhood, community and regional level which the proposed project achieves. Further, the C-P-S zoning designation is consistent with the General Plan land use designation of Commercial Retail (CR)

as the C-P-S zone implements the goals and polices of the Commercial Retail land use designation, including but not limited to the following:

LU 2.1 The proposed project accommodates a land use development that is in accordance with patterns and distribution of land uses that are depicted on the General Plan Land Use map.

LU 4.1 The proposed project accommodates a land use development proposal that is located and designed to visually enhance and not degrade the character of the surrounding area.

LU 6.1 The proposed change of zone and development project has been developed in accordance with the General Plan that ensures compatibility and minimizes impacts.

LU 7.1 The proposed project accommodates a development proposal that enhances the City's fiscal viability, economic diversity and environmental integrity.

LU 7.12 The proposed project accommodates a development proposal that will provide for jobs for Wildomar residents locally that directly results in a better jobs to housing balance so that residents have an opportunity to work within the City.

LU 23.1 The proposed project accommodates the development of commercial uses in areas appropriately designated by the General Plan land use map.

LU 23.9 The proposed project is designed in a manner that considers the surroundings and visually enhances, not degrades, the character of the surrounding area.

***Conditional Use Permit Findings:***

Pursuant to Section 17.200 (Conditional Use Permits) and Section 17.248 (Alcoholic Beverage Sales) of the Zoning Ordinance, the Planning Commission recommends the City Council, in light of the whole record before it, including but not limited to the Planning Department's staff report and all documents incorporated by reference herein, the City's General Plan and any other evidence within the record or provided at the public hearing of this matter, find and determine as follows:

A. That the proposed conditional use permit is consistent with the General Plan and in accord with the purposes of the zone in which the site is located.

Evidence: The proposal to have alcohol sales within the Wal-Mart retail building is consistent with the General Plan in that alcohol sales are conditionally permitted in the C-P-S (Scenic Highway Commercial) zone in accordance with Section

17.248.020.A of the Zoning Ordinance. The sale of alcohol is typically associated with commercial uses in the C-P-S zone and other similar commercial zones in the City. Further, the sale of alcohol will be restricted to "off-premise" consumption only (i.e., no on-site consumption) in accordance with the requirements of a Type 21 ABC license. The project has been conditioned to obtain a Type 21 alcohol license prior to the issuance of occupancy permits so the sale of alcohol at this location is in accord with the zone in which it is located.

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

Evidence: The proposal to have alcohol sales within the Wal-Mart retail building will not be detrimental to the health, safety, or general welfare of the community. The sale of alcohol is typically associated with commercial uses in the C-P-S zone and other similar commercial zones in the City. The project has been conditioned to obtain a "Type 21" alcohol license prior to the issuance of occupancy permits and will be restricted to "off-premise" consumption only (i.e., no on-site consumption) in accordance with the requirements the Alcohol Beverage Control (ABC). As no alcohol will be consumed on-site or within the building, the sale of alcohol for this commercial retail establishment will not be detrimental to the health, safety, or general welfare of the community.

C. The proposed conditional use permit is consistent with the development standards of Section 17.248 (Alcoholic Beverage Sales).

Evidence: The proposed conditional use permit is consistent with the following:

- Section 17.248.020 sets forth the requirement that off-premise sale can only occur in the R-R, C-1/C-P, C-P-S and C-R zones. As the project will have a C-P-S zone designation, the project meets this requirement.

- Section 17.248.030.C requires that off-premise sales are permitted provided the vehicular traffic from the facility does not reasonably create a potential hazard to schools, churches, public parks or playgrounds. Elsinore high school and Cornerstone Church are the nearest uses to the Wal-Mart site. The high school is slightly over ½ mile away, while the church is slightly under a ½ mile away. Based on the site design, street improvements and distance, it is staff's opinion that the off-premise sale of alcohol will not reasonably create traffic hazards at the high school or church.

- Section 17.248.030.D requires that the notice of public hearing be sent to all property owners within a 1,000-foot radius of the project site and to the school district. On January 28, 2015, the Planning Department mailed out public hearing notices to all owners in compliance with section.
- Section 17.248.040 allows the staff to propose other conditions as part of the CUP. Staff has proposed a special condition that requires the Applicant submit

proof that they have obtained a Type 21 license from the Alcoholic Beverage Control (ABC) prior to the issuance of occupancy permits for the building.

***Plot Plan Findings:***

Pursuant to Section 17.216 of the Wildomar Zoning Ordinance, the Planning Commission recommends the City Council, in light of the whole record before it, including but not limited to the Planning Department's staff report and all documents incorporated by reference herein, the City's General Plan and any other evidence within the record or provided at the public hearing of this matter, find and determine as follows:

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

Evidence: The proposed Wal-Mart commercial retail use is consistent with the General Plan land use designation of Commercial Retail (CR) and Zoning designation of C-P-S (Scenic Highway Commercial) in that these designations are specifically intended to provide for the development of commercial retail uses at a neighborhood, community and regional level. Further, the proposed project implements the goals and polices of the Commercial Retail land use designation, including but not limited to the following:

LU 2.1 The proposed project accommodates a land use development that is in accordance with patterns and distribution of land uses that are depicted on the General Plan Land Use map.

LU 4.1 The proposed project accommodates a land use development proposal that is located and designed to visually enhance and not degrade the character of the surrounding area.

LU 6.1 The proposed change of zone and development project has been developed in accordance with the General Plan that ensures compatibility and minimizes impacts.

LU 7.1 The proposed project accommodates a development proposal that enhances the City's fiscal viability, economic diversity and environmental integrity.

LU 7.12 The proposed project accommodates a development proposal that will provide for jobs for Wildomar residents locally that directly results in a better jobs to housing balance so that residents have an opportunity to work within the City.

LU 23.1 The proposed project accommodates the development of commercial uses in areas appropriately designated by the General Plan land use map.

LU 23.9 The proposed project is designed in a manner that considers the surroundings and visually enhances, not degrades, the character of the surrounding area.

The proposed Wal-Mart development project is also is consistent with the regulations and provisions of Chapter 17.76 (C-P-S Zone), Chapter 17.188 (Off Street Vehicle Parking Standards), Chapter 17.216 (Plot Plans) and Chapter 17.276 (Water Efficient Landscapes) of the Wildomar Municipal Code in that the project meets and exceeds the minimum development standards outlined in these sections. In addition, conditions of approval have been proposed for the project that will ensure that all the minimum City requirements are met.

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

   Evidence: The proposed project is located on a site (and is surrounded by other properties) that are designated for the development of commercial retail uses. The project has been designed to provide appropriate site access from Bundy Canyon, Monte Vista Drive and Canyon Drive that meets minimum city design standards to ensure safe vehicular and pedestrian access and circulation. The proposed project also has been designed to meet and exceed minimum development standards of the Zoning Ordinance related to commercial development (see above) that ensures the protection of 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.

   Evidence: The proposed project has been 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 project site is designated for commercial retail development as is the surrounding properties to the north and south. Further, the General Plan has designated this area which is in close proximity to the I-15 freeway/Bundy Canyon Road interchange as a major commercial retail node.

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

   Evidence: The project is located at the southwestern corner of Monte Vista Drive and Bundy Canyon Road. Access to the site will from both streets which are proposed and conditioned for full public improvements per City standards. These improvements will facilitate the off-site and on-site traffic begin generated by the project. A traffic study was prepared for the project and extensively analyzed in the DEIR. As a result, there are 39 mitigation measures (Planning Condition Nos. 18-56) that address traffic concerns and mitigate them. As a result, the proposed project meets this condition.

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

Evidence: The construction of the project has been designed and conditioned to comply with all applicable City ordinances, codes, and standards including, but not limited to, requirements relating to storm water runoff management and other drainage controls regulations. The project drainage has been designed through a series of detention basins and other on-site features to capture storm runoff in the catch basin filters and/or sub-surface detention basin incorporated into the project These features are designed to release runoff back into the natural stream channels without substantially altering the existing drainage pattern and without causing substantial erosion or siltation. Further the project was required to prepare a hydrology/hydraulic study and Water Quality Management Plan as part of the Environmental Impact Report (EIR) which analyzed and addressed in detail all drainage impacts that could have resulted from this project. Mitigation measures have been proposed as part of the EIR that reduces identified impacts to a standard level of insignificance with no impacts to downstream properties or facilities.

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 Title 16 (Subdivisions) in such a manner that each building is located on a separate legally divided parcel.

Evidence: The project at this time does not propose to sell any portion of property. If in the future, the smaller retail building located at the northeast portion of the site is to be sold, the Applicant will be required to file a parcel map or parcel merger in accordance with the City's Subdivision Ordinance.

**PUBLIC COMMUNICATION / NOTICING**

In accordance with Government Code Sections65854 65090, and 65091, and Title 17 of the Wildomar Municipal Code, the Planning Department, on January 28, 2015, mailed a public hearing notice to all property owners within a 1,000-foot radius of the project boundaries notifying them of the February 11, 2015 City Council hearing for the proposed project. In addition, on January 30, 2015, the Planning Department published a legal notice in the Press Enterprise, a local newspaper of general circulation, notifying the general public of the February 11, 2015 City Council hearing for the proposed project. In accordance with Section 17.248.030.D, said notice was also sent (via email) to the Elsinore Unified School District notifying them of the public hearing that includes the off-premise sale of alcohol.

| | |
|---|---|
| Submitted by: | Approved by: |
| Matthew C. Bassi | Gary Nordquist |
| Planning Director | City Manager |

**ATTACHMENTS:**

A. Council Resolution No. 2015-___ - Environmental Impact Report
   Exhibit 1 - Wal-Mart Project DEIR (Separate Pdf Document)
   Exhibit 1-A Wal-Mart DEIR Appendices (Separate Pdf Documents)
   - Appendix A - Initial Study-NOP-NOP Responses
   - Appendix B - Urban Decay Analysis
   - Appendix C - Traffic Impact Analysis
   - Appendix D - Air Quality Impact Analysis
   - Appendix E - Noise Impact Analysis
   - Appendix F - Stormwater Management
   - Appendix G - Biological Resources Assessments
   - Appendix H - Geotechnical Investigation

   Exhibit 2 - Final EIR (Separate Pdf Document)
   Exhibit 3 - EIR Findings of Fact/Statement of Overriding Considerations (Separate Pdf Document)
   Exhibit 4 - EIR Mitigation Monitoring & Reporting Program (MMRP) (Separate Pdf Document)
B. Council Ordinance No. ___ for Change of Zone No. 13-0086
C. Council Resolution No. 2015-___ for CUP & Plot Plan Nos. 13-0086
   Exhibit 1 - Wal-Mart Conditions of Approval Matrix
D. Wal-Mart Project Development Plans (Separate Pdf Document)
E. Johnson & Sedlack Comment Letter-Jan. 21, 2015 (Separate Pdf Document)
F. Staff Responses to Johnson & Sedlack Comments Letter (Separate Pdf Document)

**INCORPORATED HEREIN BY REFERENCE THE FOLLOWING:**

- City of Wildomar General Plan and General Plan EIR
- City of Wildomar Zoning Ordinance (Title 17 of the WMC)

# ATTACHMENT A

## Council Resolution No. 2015-___
## Environmental Impact Report

**RESOLUTION NO. 2015 - _____**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, FOR THE CERTIFICATION OF AN ENVIRONMENTAL IMPACT REPORT (SCH# 2014011014), INCLUDING ADOPTION OF THE FINAL ENVIRONMENTAL IMPACT REPORT, FINDINGS OF FACT, STATEMENT OF OVERRIDING CONSIDERATIONS, AND A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE WAL-MART DEVELOPMENT PROJECT (PLANNING APPLICATION NO. 13-0086) LOCATED AT SOUTHWEST CORNER OF MONTE VISTA AVENUE AND BUNDY CANYON ROAD (APN: 367-100-033; 367-100-034; 367-100-035; 367-100-037)**

**WHEREAS**, the Planning Department has received an application from:

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|---|---|
| Applicant/Owner: | Walmart Real Estate Business Trust |
| Project Location: | SWC of Monte Vista Drive & Bundy Canyon Road |
| APN: | 367-100-033; 367-100-034; 367-100-035; 367-100-037 |
| Project Area: | 21.96 acres |

**WHEREAS**, the proposed project consists of the following submitted applications for review by the Planning Commission and City Council:

1) Environmental Impact Report (EIR) - The proposed project requires the preparation, review and certification of an Environmental Impact Report (EIR - SCH# 2014011014) in accordance with Public Resources Code § 21080(d) and § 21082.2(d).

2) Change of Zone (CZ) – The proposed project requires a Change of Zone from R-R (Rural Residential) to C-P-S (Scenic Highway Commercial) for the 21.96 acre site to accommodate the proposed retail project in accordance with Title 17 of the Wildomar Municipal Code

3) Conditional Use Permit (CUP) - The proposed project requires a Conditional Use Permit to allow the sale of alcohol (Off Sale General); and

4) Plot Plan (PP) - The proposed project requires a Plot Plan to develop the 21.96 acre site with a 185,682 square-foot Walmart retail building and a separate 7,800 square-foot retail building with full on-site and off-site site improvements, subject to conditions.

**WHEREAS**, the proposed Walmart development project is considered a "project" as defined by the California Environmental Quality Act, Public Resources Code § 21000 et seq. ("CEQA"); and

**WHEREAS**, the City Council of the City of Wildomar, California, has the authority and has reviewed the proposed Walmart development project in accordance with the California Government Code, Sections 65856 and 65857, and Title 17 of the City of Wildomar Municipal Code; and

**WHEREAS**, the Planning Director determined that there was substantial evidence that the Walmart development project may have one or more significant effects on the environment and that preparation of an Environmental Impact Report ("EIR") was therefore warranted under Public Resources Code § 21080(d) and § 21082.2(d); and,

**WHEREAS**, the Planning Department prepared and circulated a Notice of Preparation (NOP) of the Walmart development project Draft EIR from January 9, 2014 through February 10, 2014 in accordance with Section 15082 of the CEQA Guidelines; and

**WHEREAS**, the City conducted a public scoping meeting concerning the proposed project and Draft EIR on January 27, 2014 in accordance with Section 15082 of the CEQA Guidelines; and

**WHEREAS**, upon completion of the Draft EIR, the City provided Notice of Completion (NOC) to the State Clearinghouse (OPR) and a Notice of Availability (NOA) to the Riverside County Clerk on August 25, 2014 in accordance with Section 15085 of the CEQA Guidelines notifying the State Clearinghouse and Riverside County Clerk of the availability of the DEIR for its 45-day public review period; and

**WHEREAS**, on August 25, 2014, the Planning Department published Notice of Availability (NOA) in the Press Enterprise, a local newspaper of general circulation, giving notice to the general public and all interested parties requesting said notice regarding the public review of the Draft EIR (SCH# 2014011014) for the Walmart development project (Planning Application No. 13-0086), and which was posted at Wildomar City Hall Planning Department and on the City of Wildomar website; and

**WHEREAS**, the Draft EIR for the Walmart development project was circulated to the public, responsible agencies and other interested parties as required by CEQA Guidelines §15087 and §15105(a) for a period of 45 days commencing on August 25, 2014 and concluding on October 8, 2014; and

**WHEREAS**, before the close of the public comment period on October 8, 2014, the Planning Department received seven comments from agencies and public citizens regarding the Draft EIR; and

**WHEREAS**, the Planning Department has prepared the Final EIR (Exhibit 2 of this Resolution) in accordance CEQA Guidelines, which includes official city responses to each of the seven commenters, and which said Final EIR was distributed to each commenter at least ten days prior to the January 21, 2015 Planning Commission public hearing in accordance with CEQA Guidelines; and

**WHEREAS**, the EIR consists of the following documents included as Exhibits to this Resolution as follows: Exhibit 1: Walmart development project Draft EIR (SCH# 2014011014); Exhibit 2: Walmart development project Final EIR; Exhibit 3: Walmart development project EIR Findings of Fact and Statement of Overriding Considerations; and Exhibit 4: Walmart development project Mitigation Monitoring and Reporting Program; and

**WHEREAS**, this EIR, as authorized under CEQA Guidelines § 15150, incorporates by reference the City of Wildomar General Plan, Zoning Ordinance, and the Final EIR prepared for the General Plan; and

**WHEREAS,** in accordance Title 17 of the Wildomar Municipal Code, the City of Wildomar Planning Department, on January 28, 2015, mailed a public hearing notice to all property owners within a 1,000-foot radius of the project boundaries notifying said property owners of the February 11, 2015 public hearing on the DEIR and FEIR (including all exhibits contained herein) that would be considered by the City Council; and

**WHEREAS**, in accordance with Government Code Sections 65856 and 65090, and Title 17 of the Wildomar Municipal Code, the City of Wildomar Planning Department, on January 30, 2015, published a legal notice in the Press Enterprise, a local newspaper of general circulation, notifying the general public of the February 11, 2015 public hearing for the DEIR and FEIR (including all exhibits contained herein) that would be considered by the City Council; and

**WHEREAS**, in accordance with Government Code Section 65856, and Title 17 of the Wildomar Municipal Code, the City Council of the City of Wildomar, on February 11, 2015, conducted the duly noticed public hearing, at which time interested persons had an opportunity to testify in support of, or opposition to, the project proposed in the DEIR and FEIR (including all exhibits contained herein).

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

**SECTION 1 CEQA FINDINGS.**

The City Council, upon recommendation of the Planning Commission, in light of the whole record before it, including but not limited to, the DEIR, all documents incorporated by reference therein, any comments received and responses provided, the Findings of Fact and Statement of Overriding Considerations (as provided in Exhibit 3 of this Resolution), the Mitigation Monitoring and Reporting Program (provided as Exhibit 4

to this Resolution), 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 that:

1. Preparation of EIR: An Environmental Impact Report was prepared for the Walmart development project and processed in accordance with the California Environmental Quality Act (Public Resources Code § 21000 et seq.) and the CEQA Guidelines (14 California Code of Regulations § 15000 et seq.).

2. Notice: The City has complied with CEQA Guidelines § 15085 and §15087 by providing a Notice of Completion of the Draft EIR to OPR and a Notice of Availability to responsible and trustee agencies, including the Riverside County Clerk, and other persons and agencies.

3. Review Period: The City has complied with CEQA Guidelines §§ 15087 and 15105 by making the Draft EIR available to the public for review for the required 45-day period of time commencing on August 25, 2014 and concluding on October 8, 2014.

4. Response to Comments: The City has responded to all seven of the written comments received during the public review period, and included the comments and responses as part of the Final EIR included as Exhibit 2 to this Resolution. In response to these comments, the City has made minor revisions to the Draft EIR, which are identified in the Final EIR and which do not constitute significant additional information that would require recirculation of the Draft EIR.

5. Findings for Significant Effects: The EIR identifies potentially significant effects on the environment that could result if the project were adopted without changes or alterations to the project and/or the imposition of mitigation measures. Pursuant to CEQA Guideline Section 15091, the City Council, upon recommendation of the Planning Commission, further finds that:

   a) Changes, alterations, and mitigation measures have been incorporated into, or imposed as conditions of approval on, the project.

   b) These changes, alterations, and mitigation measures will avoid the significant environment effects identified in the EIR or lessen their impact below the threshold of significance, except that three significant impacts (Traffic (operations/cumulative), Air Quality (operations/cumulative) and Noise (temporary construction)) cannot be feasibly mitigated to less than significant levels.

   c) These changes, alterations, and mitigation measures are fully enforceable because they have either resulted in an actual change to the project as proposed or they have been imposed as conditions of approval on the project.

d) The City has prepared a Mitigation Monitoring and Reporting Program included attached hereto this Resolution (Attachment A, Exhibit 4) to track compliance with these changes, alterations, and mitigation measures identified in the Walmart development project Environmental Impact Report.

6. Statement of Overriding Considerations: Approval of the project will result in three (3) significant unavoidable impacts related to Traffic (operations/cumulative), Air Quality (operations/cumulative) and Noise (temporary construction) that cannot be feasibly mitigated to below the threshold of significance. However, all other impacts have been mitigated through changes, alterations and mitigation measures to a less than significant level. The Planning Commission recommends that the City Council adopt a Statement of Overriding Considerations pursuant to CEQA Guideline Section 15093 for three significant unavoidable impacts related to Traffic (operations/cumulative), Air Quality (operations/cumulative) and Noise (temporary construction) as discussed and addressed in the DEIR & FEIR.

7. Independent Judgment: The DEIR and FEIR reflect the independent judgment and analysis of the City.

**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 ACTION.**

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

1. Certify EIR: The City Council hereby adopts the Findings of Fact and Statement of Overriding Considerations (Attached hereto as Exhibit 3 of this Resolution) and certifies the Final EIR (SCH# 2014011014) for the Walmart development project.

2. Approve and Adopt the Mitigation Monitoring and Reporting Program: The City Council hereby approves and adopts the Mitigation Monitoring and Reporting Program for the Walmart development project EIR attached hereto as Exhibit 4 of this Resolution.

3. Notice of Determination: The City Council in compliance with Public Resources Code § 21152 and CEQA Guidelines § 15094, hereby directs the Planning Director to prepare a Notice of Determination (NOD) concerning certification of the Walmart development project EIR, and within five days of City Council approval, file the NOD with accompanying fees with the Riverside County Clerk for posting.

4. Location: The Final EIR (SCH# 2014011014) and all documents incorporated therein and forming the City Council record of decision is hereby filed with the City Wildomar Planning Department at the Wildomar City Hall, 23873 Clinton Keith Road, Suite #201, Wildomar, California, 92595 and be made available for public review upon request during the hours of 8 am to 5 pm, Monday – Thursday.

**PASSED, APPROVED AND ADOPTED** this 11th day of February, 2014.

_____
Ben J. Benoit
Mayor

**APPROVED AS TO FORM:**

_____
Thomas D. Jex
City Attorney

**ATTEST:**

_____
Debbie A. Lee, CMC
City Clerk

# ATTACHMENT A - EXHIBIT 1

## Walmart Draft EIR

## (Separate Pdf Document)

# ATTACHMENT A - EXHIBIT 1 - A

**Walmart Draft EIR – Technical Appendices**

**(Separate Individual Pdf Documents)**

**<u>Technical Studies Include the following:</u>**

- **Appendix A - Initial Study-NOP-NOP Responses**
- **Appendix B - Urban Decay Analysis**
- **Appendix C - Traffic Impact Analysis**
- **Appendix D - Air Quality Impact Analysis**
- **Appendix E - Noise Impact Analysis**
- **Appendix F - Stormwater Management**
- **Appendix G - Biological Resources Assessments**
- **Appendix H - Geotechnical Investigation**

# ATTACHMENT A - EXHIBIT 2

## Walmart Final EIR

## (Separate Pdf Document)

# ATTACHMENT A - EXHIBIT 3

## Walmart EIR Findings of Fact/Statement of Overriding Considerations

**(Separate Pdf Document)**

# ATTACHMENT A - EXHIBIT 4

## Walmart Mitigation Monitoring & Reporting Program

**(Separate Pdf Document)**

# ATTACHMENT B

**Council Ordinance No. ___**
**Change of Zone**

**ORDINANCE NO. _____**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, APPROVING A CHANGE OF ZONE (PLANNING APPLICATION NO. 13-0086) FROM R-R (RURAL RESIDENTIAL) TO C-P-S (SCENIC HIGHWAY COMMERCIAL) FOR THE WAL-MART DEVELOPMENT PROJECT LOCATED AT SOUTHWEST CORNER OF MONTE VISTA AVENUE AND BUNDY CANYON ROAD (APN: 367-100-033; 367-100-034; 367-100-035; 367-100-037)**

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

**SECTION 1. CEQA Determination**

The approval of this Change of Zone is in compliance with requirements of the California Environmental Quality Act ("CEQA"), in that on February 11, 2105, at a duly noticed public hearing, the City Council adopted an Environmental Impact Report (EIR) and Mitigation Monitoring & Reporting Program for Change of Zone No. 13-0086 reflecting its independent judgment and analysis and documenting the environmental impacts and mitigation measures related to the project. The documents comprising the City's environmental review for the project are on file and available for public review at Wildomar City Hall, 23873 Clinton Keith Rd., Suite 201, Wildomar, CA 92595.

**SECTION 2. Multiple Species Habitat Conservation Plan.**

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. Change of Zone Findings.**

In accordance with the State of California, Government Code Section 65853 – 65857 and Section 17.280 of the Wildomar Zoning Ordinance, the City Council, upon recommendation of the Planning Commission, in light of the whole record before it, including but not limited to the Planning Department's staff report and all documents incorporated by reference herein, the City's General Plan and any other evidence within the record or provided at the public hearing of this matter, finds and determines as follows:

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

Evidence: The proposed change of zone for the Walmart development project from the current zoning designation of R-R (Rural Residential) to C-P-S (Scenic

Highway Commercial) is consistent with the City's General Plan in that the proposed zoning and land use designations are intended to provide for the development of commercial retail uses at a neighborhood, community and regional level which the proposed project achieves. Further, the C-P-S zoning designation is consistent with the General Plan land use designation of Commercial Retail (CR) as the C-P-S zone implements the goals and polices of the Commercial Retail land use designation, including but not limited to the following:

LU 2.1 The proposed project accommodates a land use development that is in accordance with patterns and distribution of land uses that are depicted on the General Plan Land Use map.

LU 4.1 The proposed project accommodates a land use development proposal that is located and designed to visually enhance and not degrade the character of the surrounding area.

LU 6.1 The proposed change of zone and development project has been developed in accordance with the General Plan that ensures compatibility and minimizes impacts.

LU 7.1 The proposed project accommodates a development proposal that enhances the City's fiscal viability, economic diversity and environmental integrity.

LU 7.12 The proposed project accommodates a development proposal that will provide for jobs for Wildomar residents locally that directly results in a better jobs to housing balance so that residents have an opportunity to work within the City.

LU 23.1 The proposed project accommodates the development of commercial uses in areas appropriately designated by the General Plan land use map.

LU 23.9 The proposed project is designed in a manner that considers the surroundings and visually enhances, not degrades, the character of the surrounding area.

**SECTION 4: <u>Amendment to Zoning Map</u>**

The City Council, based on the findings above, hereby approves a change to the City of Wildomar Zoning Map for Change of Zone No. 13-0086 from the current zoning designation of R-R (Rural Residential) to C-P-S (Scenic Highway Commercial) for the properties located at the southwest corner of Monte Vista Drive and Bundy Canyon Road known herein as APN's 367-100-033; 367-100-034; 367-100-035; 367-100-037.

**SECTION 5. Effective Date of the Ordinance.**

This Ordinance shall take effect and be in full force and operation thirty (30) days after its second reading and adoption.

**SECTION 6. Severability.**

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

**SECTION 7 City Clerk Action.**

The City Clerk is authorized and directed to cause this Ordinance to be published within 15 days after its passage in a newspaper of general circulation and circulated within the City in accordance with Government Code Section 36933(a) or, to cause this Ordinance to be published in the manner required by law using the alternative summary and pasting procedure authorized under Government Code Section 39633(c).

**PASSED, APPROVED AND ADOPTED** this _____ day of _____, 2015.

_____
Ben J. Benoit
Mayor

**APPROVED AS TO FORM:**

_____
Thomas D. Jex
City Attorney

**ATTEST:**

_____
Debbie A. Lee, CMC
City Clerk

# ATTACHMENT C

## Council Resolution No. 2015-___
## CUP / Plot Plan

**RESOLUTION NO. 2015 - _____**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 13-0086 TO ALLOW ALCOHOL SALES AND PLOT PLAN NO. 13-0086 ALLOWING DEVELOPMENT OF A 185,682 SQUARE-FOOT RETAIL BUILDING AND A 7,800 SQUARE-FOOT RETAIL BUILDING FOR THE WAL-MART DEVELOPMENT PROJECT LOCATED AT SOUTHWEST CORNER OF MONTE VISTA AVENUE AND BUNDY CANYON ROAD (APN: 367-100-033; 367-100-034; 367-100-035; 367-100-037)**

**WHEREAS**, the Planning Department has received an application from:

| | |
|---|---|
| Applicant/Owner: | Walmart Real Estate Business Trust |
| Project Location: | SWC of Monte Vista Drive & Bundy Canyon Road |
| APN: | 367-100-033; 367-100-034; 367-100-035; 367-100-037 |
| Project Area: | 21.96 acres |

**WHEREAS**, the proposed project consists of the following submitted applications for review by the City Council:

1) Environmental Impact Report (EIR) - The proposed project requires the preparation, review and certification of an EIR (SCH# 2014011014) in accordance with Public Resources Code § 21080(d) and § 21082.2(d).

2) Change of Zone (CZ) – The proposed project requires a Change of Zone from R-R (Rural Residential) to C-P-S (Scenic Highway Commercial) for the 21.96 acre site to accommodate the proposed retail project in accordance with Title 17 of the Wildomar Municipal Code

3) Conditional Use Permit (CUP) - The proposed project requires a CUP to allow the sale of alcohol (Off Sale General); and

4) Plot Plan (PP) - The proposed project requires a Plot Plan to develop the 21.96 acre site with a 185,682 square-foot Walmart retail building and a separate 7,800 square-foot retail building with full on-site and off-site site improvements, subject to conditions.

**WHEREAS**, the City Council of the City of Wildomar, California, has the authority, and has reviewed the proposed Conditional Use Permit and Plot Plan requested by the applicant, in accordance with the City of Wildomar Municipal Code, Title 17; and

**WHEREAS**, the proposed Conditional Use Permit and Plot Plan application is considered a "project" as defined by the California Environmental Quality Act, Public Resources Code § 21000 et seq. (CEQA); and

**WHEREAS**, the Planning Director determined that there was substantial evidence that the Walmart development project may have one or more significant effects on the environment and that preparation of an EIR was therefore warranted under Public Resources Code § 21080(d) and § 21082.2(d); and,

**WHEREAS**, the Planning Department prepared and circulated a Notice of Preparation (NOP) of the Walmart development project Draft EIR from January 9, 2014 through February 10, 2014 in accordance with Section 15082 of the CEQA Guidelines; and

**WHEREAS**, the City conducted a public scoping meeting concerning the proposed project and Draft EIR on January 27, 2014 in accordance with Section 15082 of the CEQA Guidelines; and

**WHEREAS**, upon completion of the Draft EIR, the City provided Notice of Completion (NOC) to the State Clearinghouse (OPR) and a Notice of Availability (NOA) to the Riverside County Clerk on August 25, 2014 in accordance with Section 15085 of the CEQA Guidelines notifying the State Clearinghouse and Riverside County Clerk of the availability of the DEIR for its 45-day public review period; and

**WHEREAS**, on August 25, 2014, the Planning Department published Notice of Availability (NOA) in the Press Enterprise, a local newspaper of general circulation, giving notice to the general public and all interested parties requesting said notice regarding the public review of the Draft EIR (SCH# 2014011014) for the Walmart development project (Planning Application No. 13-0086), and which was posted at Wildomar City Hall Planning Department and on the City of Wildomar website; and

**WHEREAS**, the Draft EIR for the Walmart development project was circulated to the public, responsible agencies and other interested parties as required by CEQA Guidelines §15087 and §15105(a) for a period of 45 days commencing on August 25, 2014 and concluding on October 8, 2014; and

**WHEREAS**, before the close of the public comment period on October 8, 2014, the Planning Department received seven comments from agencies and public citizens regarding the Draft EIR; and

**WHEREAS,** in accordance with Title 17 of the Wildomar Municipal Code, the City of Wildomar Planning Department mailed a public hearing notice on January 28, 2015 to all property owners within a 1,000-foot radius of the project boundaries notifying said property owners of the February 11, 2015 public hearing on the proposed Plot Plan and CUP (Planning Application No. 13-0086) that would be considered by the City Council; and

**WHEREAS**, in accordance with Title 17 of the Wildomar Municipal Code, the City of Wildomar Planning Department published a legal notice on January 30, 2015 in the Press Enterprise, a local newspaper of general circulation, notifying the general public of the February 11, 2015 public hearing on the proposed Plot Plan and CUP (Planning Application No. 13-0086) that would be considered by the City Council; and

**WHEREAS**, in accordance with Title 17 of the Wildomar Municipal Code, the City Council conducted the duly noticed public hearing on February 11, 2015, at which time interested persons had an opportunity to testify in support of, or opposition to, the proposed Plot Plan and CUP (Planning Application No. 13-0086), and at which time the City Council received public testimony concerning the proposed Plot Plan and CUP (Planning Application No. 13-0086).

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

**SECTION 1. CEQA:**

The approval of the proposed Plot Plan and CUP (Planning Application No. 13-0086) is in compliance with requirements of the CEQA, in that on February 11, 2015, at a duly noticed public hearing, the City Council approved and certified the EIR (SCH# 2014011014) reflecting its independent judgment and analysis and documenting the environmental impacts and mitigation measures related to the project. The documents comprising the City's environmental review for the project are on file and available for public review at Wildomar City Hall, 23873 Clinton Keith Rd., Suite 201, Wildomar, CA 92595.

**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. CONDITIONAL USE PERMIT FINDINGS.**

Pursuant to Section 17.200 (Conditional Use Permits) and Section 17.248 (Alcoholic Beverage Sales) of the Zoning Ordinance, the City Council, upon recommendation of the Planning Commission, in light of the whole record before it, including but not limited to the Planning Department's staff report and all documents incorporated by reference herein, the City's General Plan and any other evidence within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

A. That the proposed conditional use permit is consistent with the General Plan and in accord with the purposes of the zone in which the site is located.

Evidence: The proposal to have alcohol sales within the Walmart retail building is consistent with the General Plan in that alcohol sales are conditionally permitted in the C-P-S (Scenic Highway Commercial) zone in accordance with Section 17.248.020.A of the Zoning Ordinance. The sale of alcohol is typically associated with commercial uses in the C-P-S zone and other similar commercial zones in the City. Further, the sale of alcohol will be restricted to "off-premise" consumption only (i.e., no on-site consumption) in accordance with the requirements of a Type 21 ABC license. The project has been conditioned to obtain a Type 21 alcohol license prior to the issuance of occupancy permits so the sale of alcohol at this location is in accord with the zone in which it is located.

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

Evidence: The proposal to have alcohol sales within the Walmart retail building will not be detrimental to the health, safety, or general welfare of the community. The sale of alcohol is typically associated with commercial uses in the C-P-S zone and other similar commercial zones in the City. The project has been conditioned to obtain a Type 21 alcohol license prior to the issuance of occupancy permits and will be restricted to off-premise consumption only (i.e., no on-site consumption) in accordance with the requirements the Alcohol Beverage Control (ABC). As no alcohol will be consumed on-site or within the building, the sale of alcohol for this commercial retail establishment will not be detrimental to the health, safety, or general welfare of the community.

C. The proposed conditional use permit is consistent with the development standards of Section 17.248 (Alcoholic Beverage Sales).

Evidence: The proposed conditional use permit is consistent with the following:

- Section 17.248.020 sets forth the requirement that off-premise sale can only occur in the R-R, C-1/C-P, C-P-S and C-R zones. As the project will have a C-P-S zone designation, the project meets this requirement.

- Section 17.248.030.C requires that off-premise sales are permitted provided the vehicular traffic from the facility does not reasonably create a potential hazard to schools, churches, public parks or playgrounds. Elsinore high school and Cornerstone Church are the nearest uses to the Walmart site. The high school is slightly over ½ mile away, while the church is slightly under a ½ mile away. Based on the site design, street improvements and distance, it is staff's opinion that the off-premise sale of alcohol will not reasonably create traffic hazards at the high school or church.

- Section 17.248.030.D requires that the notice of public hearing be sent to all property owners within a 1,000-foot radius of the project site and to the school district. On January 7, 2015, the Planning Department mailed out public hearing notices to all owners in compliance with section.

- Section 17.248.040 allows the staff to propose other conditions as part of the CUP. Staff has proposed a special condition that requires the applicant submit proof that they have obtained a Type 21 license from the ABC prior to the issuance of occupancy permits for the building.

**SECTION 4. PLOT PLAN FINDINGS:**

Pursuant to Section 17.216 (Plot Plans) of the Wildomar Zoning Ordinance, the City Council, upon recommendation of the Planning Commission, in light of the whole record before it, including but not limited to the Planning Department's staff report and all documents incorporated by reference herein, the City's General Plan and any other evidence within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

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

Evidence: The proposed Walmart commercial retail use is consistent with the General Plan land use designation of Commercial Retail (CR) and Zoning designation of C-P-S (Scenic Highway Commercial) in that these designations are specifically intended to provide for the development of commercial retail uses at a neighborhood, community and regional level. Further, the proposed project implements the goals and polices of the Commercial Retail land use designation, including but not limited to the following:

LU 2.1 The proposed project accommodates a land use development that is in accordance with patterns and distribution of land uses that are depicted on the General Plan Land Use map.

LU 4.1 The proposed project accommodates a land use development proposal that is located and designed to visually enhance and not degrade the character of the surrounding area.

LU 6.1 The proposed change of zone and development project has been developed in accordance with the General Plan that ensures compatibility and minimizes impacts.

LU 7.1 The proposed project accommodates a development proposal that enhances the City's fiscal viability, economic diversity and environmental integrity.

LU 7.12 The proposed project accommodates a development proposal that will provide for jobs for Wildomar residents locally that directly results in a better jobs to housing balance so that residents have an opportunity to work within the City.

LU 23.1 The proposed project accommodates the development of commercial uses in areas appropriately designated by the General Plan land use map.

LU 23.9 The proposed project is designed in a manner that considers the surroundings and visually enhances, not degrades, the character of the surrounding area.

The proposed Walmart development project is also is consistent with the regulations and provisions of Chapter 17.76 (C-P-S Zone), Chapter 17.188 (Off Street Vehicle Parking Standards), Chapter 17.216 (Plot Plans) and Chapter 17.276 (Water Efficient Landscapes) of the Wildomar Municipal Code in that the project meets and exceeds the minimum development standards outlined in these sections. In addition, conditions of approval have been proposed for the project that will ensure that all the minimum City requirements are met.

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

Evidence: The proposed project is located on a site (and is surrounded by other properties) that are designated for the development of commercial retail uses. The project has been designed to provide appropriate site access from Bundy Canyon, Monte Vista Drive and Canyon Drive that meets minimum city design standards to ensure safe vehicular and pedestrian access and circulation. The proposed project also has been designed to meet and exceed minimum development standards of the Zoning Ordinance related to commercial development (see above) that ensures the protection of 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.

Evidence: The proposed project has been 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 project site is designated for commercial retail development as is the surrounding properties to the north and south. Further, the General Plan has designated this area which is in close proximity to the I-15 freeway/Bundy Canyon Road interchange as a major commercial retail node.

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

Evidence: The project is located at the southwestern corner of Monte Vista Drive and Bundy Canyon Road. Access to the site will from both streets which are proposed and conditioned for full public improvements per City standards. These improvements will facilitate the off-site and on-site traffic being generated by the project. A traffic study was prepared for the project and extensively analyzed in the DEIR. As a result, there are 39 mitigation measures (Planning Condition Nos. 18-56) that address traffic concerns and mitigate them. As a result, the proposed project meets this condition.

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

Evidence: The construction of the project has been designed and conditioned to comply with all applicable City ordinances, codes, and standards including, but not limited to, requirements relating to storm water runoff management and other drainage controls regulations. The project drainage has been designed through a series of detention basins and other on-site features to capture storm runoff in the catch basin filters and/or sub-surface detention basin incorporated into the project These features are designed to release runoff back into the natural stream channels without substantially altering the existing drainage pattern and without causing substantial erosion or siltation. Further the project was required to prepare a hydrology/hydraulic study and Water Quality Management Plan as part of the EIR which analyzed and addressed in detail all drainage impacts that could have resulted from this project. Mitigation measures have been proposed as part of the EIR that reduces identified impacts to a standard level of insignificance with no impacts to downstream properties or facilities.

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 Title 16 (Subdivisions) in such a manner that each building is located on a separate legally divided parcel.

Evidence: The project at this time does not propose to sell any portion of property. If in the future, the smaller retail building located at the northeast portion of the site is to be sold, the applicant will be required to file a parcel map or parcel merger in accordance with the City's Subdivision Ordinance.

**SECTION 5. CITY COUNCIL ACTION:**

The City Council, upon recommendation of the Planning Commission, hereby adopts this Resolution approving CUP No. 13-0086 and Plot Plan No. 13-0086, subject to conditions as illustrated herein and attached hereto to this Resolution as Exhibit 1.

**PASSED, APPROVED AND ADOPTED** this 11th day of February, 2014.

_____
Ben J. Benoit
Mayor

**APPROVED AS TO FORM:**

_____
Thomas D. Jex
City Attorney

**ATTEST:**

_____
Debbie A. Lee, CMC
City Clerk

| ATTACHMENT C - EXHIBIT 1<br>WALMART DEVELOPMENT PROJECT - CONDITIONS OF APPROVAL | | | |
|---|---|---|---|
| **Project Application: Change of Zone, Conditional Use Permit & Plot Plan No. 13-0086 (Planning Application No. 13-0086)** | | | |
| **APN No.: 380-280-004 and 380-280-009, 010, 011 & 012** | | | |
| **Original Council Approval Date:**<br>**Plot Plan/CUP: February 11, 2015** | **Expiration Date (Council Approval)**<br>**Plot Plan/CUP: February 11, 2017** | | |
| **Conditions of Approval** | **Timing/ Implementation** | **Enforcement/ Monitoring** | **Verification (Date and Signature)** |

| **PLANNING DEPARTMENT CONDITIONS** | | | | |
|---|---|---|---|---|
| **General Conditions** | | | | |
| 1. | In compliance with Section 15094 of the CEQA Guidelines, a Notice of Determination (NOD) shall be filed with the Riverside County Clerk within five (5) working days of project approval by the City Council. The Notice shall include the required California Department of Fish and Game (Code Section 711.4.d.3) fee, and the Riverside County Clerk administrative fee (paid by the applicant) in the amount of **$3,119.75**. Failure to pay the required fee will result in the project being deemed null and void (California Fish and Game Code Section 711.4(c). The above fee is broken down as follows:<br>**a. California Department of Fish & Game = $3,069.75**<br>**b. Riverside County Clerk Administrative Fee = $50.00** | Feb. 18, 2015 | Planning Department | |
| 2. | The applicant shall review and sign below verifying the "Acceptance of the Conditions of Approval" and return the signed page to the Wildomar Planning Department within seven (7) days of City Council approval.<br><br>Applicant Signature: Date: | Feb. 18, 2015 | Planning Department | |
| 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 | On-Going | Planning Department | |

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| | 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 Subdivision 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. City shall promptly notify the applicant of any Action brought and request that applicant defend the City. It is expressly agreed that applicant may select legal counsel providing the applicant's defense and the City shall have the right to approve separate legal counsel providing the City's defense. The applicant shall reimburse City for any attorneys' fees, costs and expenses directly and necessarily incurred by the City in the course of the defense. Applicant agrees that City will forward monthly invoices to Applicant for attorneys' fees, costs and expenses it has incurred related to its defense of any Action and applicant agrees to timely payment within thirty (30) days of receipt of the invoice. Within fourteen (14) days of an Action being | | | |

| ATTACHMENT C - EXHIBIT 1<br>WALMART DEVELOPMENT PROJECT - CONDITIONS OF APPROVAL | | | |
|---|---|---|---|
| **Project Application: Change of Zone, Conditional Use Permit & Plot Plan No. 13-0086 (Planning Application No. 13-0086)** | | | |
| **APN No.: 380-280-004 and 380-280-009, 010, 011 & 012** | | | |
| **Original Council Approval Date:**<br>**Plot Plan/CUP: February 11, 2015** | **Expiration Date (Council Approval)**<br>**Plot Plan/CUP: February 11, 2017** | | |
| **Conditions of Approval** | **Timing/ Implementation** | **Enforcement/ Monitoring** | **Verification (Date and Signature)** |
| | filed, applicant agrees to post adequate security or a cash deposit with City in an amount to cover the City's estimated attorneys' fees, costs and expenses incurred by City in the course of the defense in order to ensure timely payment of the City's invoices. The amount of the security or cash deposit shall be determined by the City. City shall cooperate with applicant in the defense of any Action. | | | |
| 4. | Within 60 days of approval by the City Council approval of CUP & Plot Plan No. 13-0086, (Planning Application No. 13-0086), the applicant shall pay any outstanding deposit account balance, as applicable. Failure to pay the outstanding balance by the due date may result in delays in the processing of grading and building plans. | April 11, 2015 | Planning Dept. | |
| 5. | In accordance with Section 66020.d.1 of the Government Code, the applicant has 90 days from project approval to file a protest of the imposition of fees, dedications, reservations, or other exactions being imposed on this project. Notice is hereby given to the Applicant that the 90-day appeal period begins with approval of this project. | May 15, 2015 | Planning Dept. | |
| 6. | Approval of CUP & Plot Plan No. 13-0086, (Planning Application No. 13-0086) shall expire on February 11, 2017 if grading/building permits have not been issued and substantial construction work has commenced. In the event that any litigation is filed challenging the approval of this project, this expiration period shall be tolled until the litigation has gone to final judgment or has been dismissed. If grading/building permits have not been issued and substantial construction work has not commenced by this deadline, then the Applicant may apply for a extension of time, provided an application and fee is submitted to the Planning Department no later than January | January 11, 2017 | Planning Dept. | |

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| | 11, 2017 (30 days prior to expiration). The review and approval of any extension of time shall comply with the provisions of Section 17.200.065 (CUP) and Section 17.216.070 (Plot Plan) of the Wildomar Municipal Code. | | | |
| 7. | The project shall be developed in accordance with the project development plans approved by the City Council on February 11, 2015. The applicant may request a modification/revision to the approved project as outlined in Section 17.228 of the Wildomar Municipal Code. | On-Going | Planning Dept. | |
| 8. | CUP & Plot Plan No. 13-0086 shall not become effective until 30 days after the 2nd reading of the proposed Change of Zone No. 13-0086 by the City Council. No grading or building permits shall be issued until the Change of Zone has become effective. | April 13, 2015 | Planning Dept. | |
| 9. | If human remains are encountered during grading activities, 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 | On-Going | Planning & Engineering Depts. | |

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|---|---|---|---|---|
| | concerning the treatment of the remains as provided in Public Resources Code Section 5097.98. | | | |
| 10. | If during ground disturbance activities unique cultural resources are discovered, that were not assessed by the archaeological report(s) and/or environmental assessment conducted prior to project approval, the following procedures shall be followed. Unique cultural resources are defined, for this condition, as being multiple artifacts in close association with each other, but may include fewer artifacts if the area of the find is determined to be of significance due to its sacred or cultural importance. (1) All ground disturbance activities within 100 feet of the discovered cultural resources shall be halted until a meeting is convened between the developer, the archaeologist, the Native American tribal representative and the planning director to discuss the significance of the find. (2) At the meeting, the significance of the discoveries shall be discussed and after consultation with the Pechanga and Soboba Band representatives and the archaeologist, a decision shall be made, with the concurrence of the planning director, as to the appropriate mitigation (documentation, recovery, avoidance, etc.) for the cultural resources. (3) Grading of further ground disturbance shall not resume within the area of the discovery until an agreement has been reached by all parties as to the appropriate mitigation. | On-Going | Planning & Engineering Depts. | |
| 11. | The proposed Project shall comply with existing SCAQMD rules for the reduction of fugitive dust emissions in accordance with SCAQMD Rule 403. | On-Going | Planning Dept. | |

| ATTACHMENT C - EXHIBIT 1<br>WALMART DEVELOPMENT PROJECT - CONDITIONS OF APPROVAL | | | |
|---|---|---|---|
| **Project Application: Change of Zone, Conditional Use Permit & Plot Plan No. 13-0086 (Planning Application No. 13-0086)** | | | |
| **APN No.: 380-280-004 and 380-280-009, 010, 011 & 012** | | | |
| **Original Council Approval Date:**<br>**Plot Plan/CUP: February 11, 2015** | **Expiration Date (Council Approval)**<br>**Plot Plan/CUP: February 11, 2017** | | |
| **Conditions of Approval** | **Timing/ Implementation** | **Enforcement/ Monitoring** | **Verification (Date and Signature)** |
| 12. 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. Prior to commencing any grading which includes 50 or more cubic yards, the developer shall obtain a grading permit from the Building Dept.. | On-Going | Planning Dept. | |
| 13. Erosion control-landscape plans, required for manufactured slopes greater than 3 feet in vertical height, are to be signed by a registered landscape architect and bonded per the requirements of Ordinance 457 (refer to dept. form 284-47). Planting shall occur within 30 days of meeting final grades to minimize erosion and to ensure slope coverage prior to the rainy season. The developer shall plant and irrigate all manufactured slopes steeper than a 4:1 (horizontal to vertical) ratio and 3 feet or greater in vertical height with grass or ground cover; slopes 15 feet or greater in vertical height shall be planted with additional shrubs or trees or as approved by the City Engineer. | On-Going | Planning Dept. | |
| 14. As required by Chapter 8.56 of the WMC, subsequent development on the site will need to comply with the County of Riverside, Dept. of Environmental Health, Local Enforcement Agency (LEA) for all activities related to potential hazardous materials, if applicable. | On-Going | Planning Dept. | |
| 15. The proposed Project shall comply with the requirements of Chapter 9.48 of the WMC relating to noise. | On-Going | Planning Dept. | |
| 16. The project shall comply with the regulations outlined in Section 8.64 (Light Pollution) of the Wildomar Municipal Code. | On-Going | Planning Dept. | |

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| 17. | The applicant shall provide an additional 17 bicycle spaces for a total of 67 spaces to meet the code requirements for bicycle parking as required in Section 17.188.060 of the Zoning Ordinance. These additional spaces shall be shown on the construction plans for verification. | On-Going | Planning Dept. | |
| **CEQA/IS/MND MITIGATION MEASURES** | | | | |
| ***Traffic & Circulation Measures:*** | | | | |
| 18. | 4.2.1 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of I-15 SB Ramps at Baxter Road (Study Area Intersection 13):<br>• Install a traffic signal. | Prior to issuance of building permits. | Planning, Engineering & Building Department's | |
| 19. | 4.2.2 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of I-15 NB Ramps at Baxter Road (Study Area Intersection 15):<br>• Install a traffic signal<br>• Construct a second eastbound (EB) through lane;<br>• Construct a second westbound (WB) through lane; and<br>• Construct a WB right-turn lane. | Prior to issuance of building permits. | Planning, Engineering & Building Department's | |
| 20. | 4.2.3 At the intersection of Sellers Road at Bundy Canyon Road (Study Area Intersection 16), the following is a current WRCOG-funded TUMF improvement: | Prior to the issuance of the first Certificate of | Planning, Engineering & Building | |

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| | | • Restripe the WB right-turn lane as a second through lane.<br>This improvement shall be completed prior to the issuance of the first Certificate of Occupancy for the Project. | Occupancy. | Department's | |
| 21. | 4.2.4 | Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Monte Vista Drive at Baxter Road (Study Area Intersection 20):<br>• Install a traffic signal; and<br>• Construct an EB left-turn lane. | Prior to issuance of building permits. | Planning, Engineering & Building Department's | |
| 22. | 4.2.5 | Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of Harvest Way West at Bundy Canyon Road (Study Area Intersection 24):<br>• Install a traffic signal. | Prior to issuance of building permits. | Planning, Engineering & Building Department's | |
| 23. | 4.2.6 | Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Harvest Way East at Bundy Canyon Road (Study Area Intersection 25):<br>• Install a traffic signal;<br>• Construct an EB left-turn lane; and<br>• Construct a WB left-turn lane. | Prior to issuance of building permits. | Planning, Engineering & Building Department's | |
| 24. | 4.2.7 | Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the | Prior to issuance of | Planning, Engineering | |

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| | | following improvements at the intersection of Murrieta Road at Scott Road (Study Area Intersection 26):<br>• Install a traffic signal; and<br>• Construct an EB left-turn lane. | building permits. | & Building Department's | |
| 25. | 4.2.8 | Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Orchard Street at Bundy Canyon Road (Study Area Intersection 8):<br>• Install a traffic signal; and<br>• Construct a WB left-turn lane. | Prior to issuance of building permits. | Planning, Engineering & Building Department's | |
| 26. | 4.2.9 | Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Almond Street at Bundy Canyon Road (Study Area Intersection 9):<br>• Install a traffic signal;<br>• Construct an EB left-turn lane; and<br>• Construct a WB left-turn lane. | Prior to issuance of building permits. | Planning, Engineering & Building Department's | |
| 27. | 4.2.10 | Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of Orange Street at Bundy Canyon Road (Study Area Intersection 10):<br>• Modify the traffic signal to accommodate overlap phasing for the NB right-turn lane. | Prior to issuance of building permits. | Planning, Engineering & Building Department's | |

| ATTACHMENT C - EXHIBIT 1<br>WALMART DEVELOPMENT PROJECT - CONDITIONS OF APPROVAL | | | |
|---|---|---|---|
| **Project Application: Change of Zone, Conditional Use Permit & Plot Plan No. 13-0086 (Planning Application No. 13-0086)** | | | |
| **APN No.: 380-280-004 and 380-280-009, 010, 011 & 012** | | | |
| **Original Council Approval Date:**<br>**Plot Plan/CUP: February 11, 2015** | **Expiration Date (Council Approval)**<br>**Plot Plan/CUP: February 11, 2017** | | |
| **Conditions of Approval** | **Timing/ Implementation** | **Enforcement/ Monitoring** | **Verification (Date and Signature)** |

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| 28. | 4.2.11 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Orange Street at Canyon Drive (Study Area Intersection 11):<br>• Install a traffic signal;<br>• Construct a NB left-turn lane;<br>• Construct a NB shared through/right-turn lane;<br>• Construct a SB left-turn lane;<br>• Construct an EB left-turn lane; and<br>• Construct a WB left-turn lane. | Prior to issuance of building permits. | Planning, Engineering & Building Department's | |
| 29. | 4.2.12 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of I-15 SB Ramps at Bundy Canyon Road (Study Area Intersection 12):<br>• Construct an EB right-turn lane. | Prior to issuance of building permits. | Planning, Engineering & Building Department's | |
| 30. | 4.2.13 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of I-15 SB Ramps at Baxter Road (Study Area Intersection 13):<br>• Install a traffic signal (same improvement required under Existing-plus-Project conditions); and<br>• Construct an EB right-turn lane. | Prior to issuance of building permits. | Planning, Engineering & Building Department's | |

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| 31. | 4.2.14 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of I-15 NB Ramps at Bundy Canyon Road (Study Area Intersection 14):<br>• Construct a WB right-turn lane. | Prior to issuance of building permits. | Planning, Engineering & Building Department's | |
| 32. | 4.2.15 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of Monte Vista Drive at Bundy Canyon Road (Study Area Intersection 17):<br>• Construct a 2nd westbound through lane. | Prior to issuance of building permits. | Planning, Engineering & Building Department's | |
| 33. | 4.2.16 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of The Farm Road at Bundy Canyon Road (Study Area Intersection 23):<br>• Restripe the EB right-turn lane as a shared through/right-turn lane; and<br>• Construct a second WB through lane. | Prior to issuance of building permits. | Planning, Engineering & Building Department's | |
| 34. | 4.2.17 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Harvest Way West at Bundy Canyon Road (Study Area Intersection 24):<br>• Install a traffic signal (same improvement required under Existing-plus-Project conditions); | Prior to issuance of building permits. | Planning, Engineering & Building Department's | |

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| | • Construct an EB shared through/right-turn lane;<br>• Construct a WB shared through/right-turn lane;<br>• Construct a NB shared through/right-turn lane;<br>• Construct a SB left-turn lane; and<br>• Construct an EB left-turn lane. | | | |
| 35. | 4.2.18 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Harvest Way East at Bundy Canyon Road (Study Area Intersection 25):<br>• Install a traffic signal (same improvement required under Existing-plus-Project conditions);<br>• Construct an EB left-turn lane (same improvement required under Existing-plus-Project conditions);<br>• Construct an EB shared through/right-turn lane;<br>• Construct a WB left-turn lane (same improvement required under Existing-plus-Project conditions); and<br>• Construct a WB shared through/right-turn lane. | Prior to issuance of building permits. | Planning, Engineering & Building Department's | |
| 36. | 4.2.19 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Murrieta Road at Scott Road (Study Area Intersection 26):<br>• Install a traffic signal (same improvement required under Existing-plus-Project conditions); | Prior to issuance of building permits. | Planning, Engineering & Building Department's | |

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| | • Restripe the SB shared left/right-turn lane as a left-turn lane;<br>• Construct a SB right-turn lane;<br>• Construct an EB left-turn lane (same improvement required under Existing-plus-Project conditions);<br>• Construct a second EB through lane; and<br>• Construct a WB shared through/right-turn lane. | | | |
| 37. | 4.2.20 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of Palomar Street at Corydon Road (Study Area Intersection 2):<br>• Construct an EB shared through/right-turn lane. | Prior to issuance of building permits. | Planning, Engineering & Building Department's | |
| 38. | 4.2.21 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Palomar Street at Central Avenue (Study Area Intersection 3):<br>• Construct a second NB through lane;<br>• Construct a second SB through lane;<br>• Construct a second WB through lane; and<br>• Construct a NB right-turn lane. | Prior to issuance of building permits. | Planning, Engineering & Building Department's | |

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| 39. | 4.2.22 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of Mission Trail at Waite Street (Study Area Intersection 6):<br>• Install a traffic signal. | Prior to issuance of building permits. | Planning, Engineering & Building Department's | |
| 40. | 4.2.23 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Mission Trail at Bundy Canyon Road (Study Area Intersection 7):<br>• Construct a NB right-turn lane with overlap phasing;<br>• Construct an EB left-turn lane;<br>• Construct an EB right-turn lane;<br>• Construct a WB left-turn lane;<br>• Construct a second and third EB through lane; and<br>• Construct a second WB through lane. | Prior to issuance of building permits. | Planning, Engineering & Building Department's | |
| 41. | 4.2.24 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Orchard Street at Bundy Canyon Road (Study Area Intersection 8):<br>• Install a traffic signal (same improvement required under Opening Year conditions);<br>• Construct a WB left-turn lane (same improvement required under Opening Year conditions); | Prior to issuance of building permits. | Planning, Engineering & Building Department's | |

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| | • Construct a NB left-turn lane;<br>• Construct a SB left-turn lane;<br>• Construct an EB left-turn lane;<br>• Construct a second and third EB through lane; and<br>• Construct a second and third WB through lane. | | | |
| 42. | 4.2.25 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Almond Street at Bundy Canyon Road (Study Area Intersection 9):<br>• Install a traffic signal (same improvement required under Opening Year conditions);<br>• Construct an EB left-turn lane (same improvement required under Opening Year conditions);<br>• Construct a WB left-turn lane (same improvement required under Opening Year conditions);<br>• Construct a NB left-turn lane;<br>• Construct a SB left-turn lane;<br>• Construct a third EB through lane; and<br>• Construct a third WB through lane. | Prior to issuance of building permits. | Planning, Engineering & Building Department's | |
| 43. | 4.2.26 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of Orange Street at Bundy Canyon Road (Study Area Intersection 10): | Prior to issuance of building permits. | Planning, Engineering & Building Department's | |

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| | • Modify the traffic signal to accommodate overlap phasing for the NB right-turn lane (same improvement required under Opening Year conditions);<br>• Construct a SB left-turn lane;<br>• Construct a second WB left-turn lane;<br>• Construct a third EB through lane; and<br>• Construct a second and third WB through lane. | | | |
| 44. | 4.2.27 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Orange Street at Canyon Drive (Study Area Intersection 11):<br>• Install a traffic signal (same improvement required under Opening Year conditions);<br>• Construct a NB left-turn lane (same improvement required under Opening Year conditions);<br>• Construct a SB left-turn lane (same improvement required under Opening Year conditions);<br>• Construct an EB left-turn lane (same improvement required under Opening Year conditions);<br>• Construct a WB left-turn lane (same improvement required under Opening Year conditions);<br>• Construct a NB right-turn lane;<br>• Construct a SB right-turn lane with overlap phasing;<br>• Construct a WB right-turn lane with overlap phasing; | Prior to issuance of building permits. | Planning, Engineering & Building Department's | |

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| | • Construct a NB shared through/right-turn lane (same improvement required under Opening Year conditions); and<br>• Construct a second SB through lane. | | | |
| 45. | 4.2.28 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of I-15 SB Ramps at Bundy Canyon Road (Study Area Intersection 12):<br>• Construct an EB right-turn lane (same improvement required under Opening Year conditions); and<br>• Construct a second WB left-turn lane;<br>• Construct a third EB through lane; and<br>• Construct a third WB through lane. | Prior to issuance of building permits. | Planning, Engineering & Building Department's | |
| 46. | 4.2.29 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of I-15 SB Ramps at Baxter Road (Study Area Intersection 13):<br>• Install a traffic signal (same improvement required under Existing-plus-Project conditions);<br>• Construct an EB right-turn lane (same improvement required under Opening Year conditions);<br>• Construct a second EB through lane; and<br>• Construct a second WB through lane. | Prior to issuance of building permits. | Planning, Engineering & Building Department's | |

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| 47. | 4.2.30 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of I-15 NB Ramps at Bundy Canyon Road (Study Area Intersection 14):<br>• Construct a WB right-turn lane (same improvement required under Opening Year conditions); and<br>• Construct a second EB left-turn lane;<br>• Construct a third EB through lane; and<br>• Construct a third WB through lane. | Prior to issuance of building permits. | Planning, Engineering & Building Department's | |
| 48. | 4.2.31 The following improvement at the intersection of Sellers Road at Bundy Canyon Road (Study Area Intersection 16) is currently TUMF-funded and programmed for construction:<br>• Restripe the WB right-turn lane as a second through lane.<br>This improvement shall be completed prior to the issuance of the first Certificate of Occupancy for the Project (same improvement required under Existing-plus-Project conditions);<br>Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward implementation of the following improvement at the intersection of Sellers Road at Bundy Canyon Road (Study Area Intersection 16):<br>• Modify the traffic signal to accommodate overlap phasing for the SB right-turn lane. | Prior to the issuance of the first Certificate of Occupancy. | Planning, Engineering & Building Department's | |
| 49. | 4.2.32 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following | Prior to issuance of | Planning, Engineering | |

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| | improvement at the intersection of Monte Vista Drive at Bundy Canyon Road (Study Area Intersection 17):<br>• Construct a second WB through lane (same improvement required under Existing-plus-Project conditions);<br>• Construct a third WB through lane;<br>• Construct a NB shared left/right-turn lane; and<br>• Construct a second WB left-turn lane. | building permits. | & Building Department's | |
| 50. | 4.2.33 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvement at the intersection of Monte Vista Drive at Baxter Road (Study Area Intersection 20):<br>• Install a traffic signal (same improvement required under Existing-plus-Project conditions);<br>• Construct an EB left-turn lane (same improvement required under Existing-plus-Project conditions);<br>• Construct a SB left-turn lane striped as a shared left/right-turn lane;<br>• Construct a SB de facto right-turn lane striped as a dedicated right-turn lane;<br>• Construct a WB de facto right-turn lane striped as a dedicated right-turn lane; and<br>• Modify the traffic signal to accommodate overlap phasing on the WB right-turn lane. | Prior to issuance of building permits. | Planning, Engineering & Building Department's | |

| ATTACHMENT C - EXHIBIT 1<br>WALMART DEVELOPMENT PROJECT - CONDITIONS OF APPROVAL | | | |
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| **Project Application: Change of Zone, Conditional Use Permit & Plot Plan No. 13-0086 (Planning Application No. 13-0086)** | | | |
| **APN No.: 380-280-004 and 380-280-009, 010, 011 & 012** | | | |
| **Original Council Approval Date:**<br>**Plot Plan/CUP: February 11, 2015** | **Expiration Date (Council Approval)**<br>**Plot Plan/CUP: February 11, 2017** | | |
| **Conditions of Approval** | **Timing/ Implementation** | **Enforcement/ Monitoring** | **Verification (Date and Signature)** |
| 51. 4.2.34 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of George Avenue at La Estrella Road (Study Area Intersection 21):<br>• Install a traffic signal;<br>• Construct an EB left-turn lane;<br>• Construct a second EB through lane;<br>• Construct a WB left-turn lane; and<br>• Construct a second WB through lane. | Prior to issuance of building permits. | Planning, Engineering & Building Department's | |
| 52. 4.2.35 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Iodine Springs Road at La Estrella Road (Study Area Intersection 22):<br>• Install a traffic signal;<br>• Construct a NB left-turn lane;<br>• Construct a SB left-turn lane;<br>• Construct an EB left-turn lane; and<br>• Construct a WB left-turn lane. | Prior to issuance of building permits. | Planning, Engineering & Building Department's | |
| 53. 4.2.36 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of The Farm Road at Bundy Canyon Road (Study Area Intersection 23):<br>• Restripe the EB right-turn lane as a shared through/right- | Prior to issuance of building permits. | Planning, Engineering & Building Department's | |

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| | turn lane (same improvement required under Opening Year conditions);<br>• Construct a second WB through lane (same improvement required under Opening Year conditions); and<br>• Construct a third EB through lane. | | | |
| 54. | 4.2.37 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Harvest Way East at Bundy Canyon Road (Study Area Intersection 25):<br>• Install a traffic signal (same improvement required under Existing-plus-Project conditions);<br>• Construct an EB left-turn lane (same improvement required under Existing-plus-Project conditions);<br>• Construct an EB shared through/right-turn lane (same improvement required under Opening Year conditions);<br>• Construct a WB left-turn lane (same improvement required under Existing-plus-Project conditions); and<br>• Construct a WB shared through/right-turn lane (same improvement required under Opening Year conditions);<br>• Construct a third EB through lane; and<br>• Construct a third WB through lane. | Prior to issuance of building permits. | Planning, Engineering & Building Department's | |
| 55. | 4.2.38 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the following improvements at the intersection of Murrieta Road at Scott | Prior to issuance of | Planning, Engineering & Building | |

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| | Road (Study Area Intersection 26):<br>• Install a traffic signal (same improvement required under Existing-plus-Project conditions);<br>• Restripe the SB shared left/right-turn lane as a left-turn lane (same improvement required under Opening Year conditions);<br>• Construct a SB right-turn lane (same improvement required under Opening Year conditions);<br>• Construct an EB left-turn lane (same improvement required under Existing-plus-Project conditions) (same improvement required under Opening Year With-Project conditions);<br>• Construct a second EB left-turn lane;<br>• Construct a WB right-turn lane;<br>• Construct a second EB through lane (same improvement required under Opening Year conditions);<br>• Construct a WB shared through/right-turn lane (same improvement required under Opening Year conditions);<br>• Construct a third EB through lane; and<br>• Construct a third WB through lane. | building permits. | Department's | |
| 56. | 4.2.39 The Project Applicant shall prepare a Construction Area Traffic Management Plan (Plan) to be reviewed and approved by the City Public Works Department. The Plan shall identify traffic controls, any street closures and/or detours, or other disruption | Prior to building plan check. | Planning, Engineering & Building | |

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| | to traffic circulation, as well as construction vehicle access routes, hours of construction traffic, and any pavement repairs or enhancements along proposed construction traffic routes. The Plan and its requirements shall be provided to all contractors as one component of building plan/contract document packages. | | Department's | |
| ***Air Quality Measures:*** | | | | |
| 57. | 4.3.1 The following requirements shall be incorporated into Project plans and specifications in order to ensure implementation of SCAQMD Rule 403, which limits fugitive dust emissions:<br>• All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 miles per hour;<br>• The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project site are watered at least three (3) times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day; and<br>• The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less. | Prior to building plan check. | Planning, Engineering & Building Department's | |

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| 58. | 4.3.2 Grading plans shall reference the requirement that a sign shall be posted on-site stating that construction workers need to shut off engines at or before five minutes of idling. This requirement is based on the California Air Resources Board regulation in Title 13, Chapter 10, Section 2485, Division 3 of the California Code of Regulations, which imposes a requirement that heavy duty trucks accessing the site shall not idle for greater than five minutes at any location. This measure applies to construction traffic. | Prior to the issuance of grading plans. | Planning, Engineering & Building Department's | |
| 59. | 4.3.3 During grading activity, all rubber tired dozers and scrapers (≥ 50 horsepower) shall be CARB Tier 3 Certified or better. Additionally, during grading activity, total horsepower-hours per day for all equipment shall not exceed 16,784; and the maximum (actively graded) disturbance area shall not exceed five acres per day. | During grading activity. | Planning, Engineering & Building Department's | |
| 60. | 4.3.4 Prior to the issuance of building permits, the Project Applicant shall submit energy usage calculations showing that the Project is designed to achieve a minimum 5% efficiency beyond then incumbent California Building Code Title 24 requirements. The Project energy usage calculations shall be subject to review and approval by the City.<br>Examples of measures that reduce energy consumption include, but are not limited to, the following (it being understood that the items listed below are not all required and merely present examples; the list is not all-inclusive and other features that reduce energy consumption also are acceptable): | Prior to issuance of building permits. | Planning, Engineering & Building Department's | |

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| | • Increase in insulation such that heat transfer and thermal bridging is minimized;<br>• Limit air leakage through the structure and/or within the heating and cooling distribution system;<br>• Use of energy-efficient space heating and cooling equipment;<br>• Installation of electrical hook-ups at loading dock areas;<br>• Installation of dual-paned or other energy efficient windows;<br>• Use of interior and exterior energy efficient lighting that exceeds then incumbent California Title 24 Energy Efficiency performance standards;<br>• Installation of automatic devices to turn off lights where they are not needed;<br>• Application of a paint and surface color palette that emphasizes light and off-white colors that reflect heat away from buildings;<br>• Design of buildings with “cool roofs” using products certified by the Cool Roof Rating Council, and/or exposed roof surfaces using light and off-white colors;<br>• Installation of ENERGY STAR-qualified energy-efficient appliances, heating and cooling systems, office equipment, and/or lighting products. | | | |

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| 61. | 4.3.5 | Enhanced Water Conservation Required: Prior to the issuance of building permits, the Project Applicant shall prepare a Water Conservation Strategy demonstrating a minimum 30% reduction in outdoor water usage when compared to baseline water demand (total expected water demand without implementation of the Water Conservation Strategy). The Project Water Conservation Strategy shall be subject to review and approval by the City.<br>The Project shall also implement the following:<br>• Landscaping palette emphasizing drought tolerant plants;<br>• Use of water-efficient irrigation techniques;<br>• U.S. Environmental Protection Agency (EPA) Certified WaterSense labeled or equivalent faucets, high-efficiency toilets (HETs), and water-conserving shower heads. | Prior to issuance of building permits. | Planning, Engineering & Building Department's | |
| ***Noise Measures:*** | | | | | |
| 62. | 4.4.1 | Prior to approval of grading plans and/or issuance of building permits, plans shall include a note indicating that noise-generating Project construction activities shall not occur between the hours of 6 p.m. to 6 a.m. during the months of June through September, and between the hours of 6 p.m. and 7 a.m. during the months of October through May. | Prior to approval of grading plans and/or issuance of building permits. | Planning, Engineering & Building Department's | |
| 63. | 4.4.2 | During all Project site construction, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. It is noted that | Throughout construction | Planning, Engineering & Building | |

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| | | stationary equipment is transitory to the site and is located based on a given construction task or phase, however noise emitting construction equipment that may be employed in various temporary fixed positions throughout the Project site shall be oriented to direct noise away from the nearest noise sensitive receptor(s). | | Department's | |
| 64. | 4.4.3 | The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise sensitive receptors nearest the Project site during all project construction. A review of the Project site and the location of nearby noise sensitive receptors indicate that construction equipment staging shall be concentrated in the northern portion of the site near Bundy Canyon Road and away from the residential land use located south of Canyon Drive. | Throughout construction | Planning, Engineering & Building Department's | |
| 65. | 4.4.4 | The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment. | Throughout construction | Planning, Engineering & Building Department's | |
| 66. | 4.4.5 | All trucks, tractors, and forklifts shall be operated with proper operating and well maintained mufflers. | Throughout construction | Planning, Engineering & Building Department's | |
| 67. | 4.4.6 | Maintain quality pavement conditions that are free of bumps to minimize truck noise. | Ongoing throughout Project | Planning, Engineering & Building | |

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| | | operations. | Department's | |
| 68. | 4.4.7 The truck access points and loading docks within the truck court on the Project site shall be posted with signs which state:<br>• Truck drivers shall turn off engines when not in use;<br>• Trucks servicing the Project shall not idle for more than five (5) minutes; and<br>• Telephone numbers of the building facilities manager to report violations. | Ongoing throughout Project operations. | Planning, Engineering & Building Department's | |
| ***Hydrology & Water Quality Measures:*** | | | | |
| 69. | 4.6.1 Prior to the issuance of grading permits, the Project Applicant must obtain coverage under the SWRCB General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit Order 2009-0009-DWQ). As required by the General Permit, Project Applicant shall submit a Stormwater Pollution Prevention Plan (SWPPP) to the City of Wildomar, Riverside County Flood Control and Water Conservation District, and San Diego Regional Water Quality Control Board for review and approval. The SWPPP shall identify pre- and post-construction Best Management Practices (BMPs) intended to prevent the release of sediment and pollutants into downstream waterways and comply with all other requirements of the General Permit. Examples of construction BMPs to be incorporated in the Project include, but are not limited to, the following: | Prior to issuance of grading permits. | Planning, Engineering & Building Department's | |

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| | • Silt Fences;<br>• Check Dams;<br>• Gravel Bag Berms;<br>• Street Sweeping and Vacuuming;<br>• Sand Bag Barriers;<br>• Storm Drain Inlet Protection;<br>• Wind Erosion Control;<br>• Stabilized Construction Entrance/Exit; and<br>• Entrance/Outlet Tire Wash.<br><br>Post-construction BMPs to reduce sediments and other pollutants include, but are not limited to, the following:<br>• Providing permanent cover to stabilize the disturbed surfaces after construction has been completed;<br>• Incorporating structural BMPs (e.g., grease traps, debris, screens, continuous deflection separators, oil/water separators, drain inlet inserts) into the Project's design to provide detention and filtering of contaminants in urban runoff prior to discharge to stormwater facilities;<br>• Precluding non-stormwater discharges to the stormwater system; and<br>• Performing monitoring of discharges to the stormwater system. | | | |

| ATTACHMENT C - EXHIBIT 1<br>WALMART DEVELOPMENT PROJECT - CONDITIONS OF APPROVAL | | | |
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| **APN No.: 380-280-004 and 380-280-009, 010, 011 & 012** | | | |
| **Original Council Approval Date:**<br>**Plot Plan/CUP: February 11, 2015** | **Expiration Date (Council Approval)**<br>**Plot Plan/CUP: February 11, 2017** | | |
| **Conditions of Approval** | **Timing/ Implementation** | **Enforcement/ Monitoring** | **Verification (Date and Signature)** |
| 70. 4.6.2 Prior to the issuance of grading permits, the Project Applicant shall submit a final Water Quality Management Plan (WQMP) to the City of Wildomar, Riverside County Flood Control and Water Conservation District, and San Diego Regional Water Quality Control Board for review and approval, as required by SDRWQCB Order No. 2010-0016. The WQMP shall identify Best Management Practices (BMPs) addressing all post-construction pollutant discharges and comply with all other requirements of Order No. 2010-0016. Examples of BMPs included in the Project's Preliminary WQMP include the following:<br>Source Control/Non-Structural BMPs<br>• Education of property owners, operators, tenants, occupants, or employees;<br>• Street Sweeping of Private Streets and Parking Lots;<br>• Drainage facility inspection and maintenance;<br>• Roof Runoff Controls;<br>• Efficient Irrigation;<br>• Protection of Slopes and Channels;<br>• Storm Drain stenciling and signage;<br>• Trash Storage Areas and Litter Control;<br>• Irrigation system and landscape maintenance; and<br>• Loading dock drainage controls. | Prior to issuance of grading permits. | Planning, Engineering & Building Department's | |

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| | Site Design/Structural BMPs<br>• Maximize permeable areas;<br>• Minimize street, sidewalk, and parking lot aisle widths;<br>• Maintain natural drainage patterns;<br>• Incorporate drought-tolerant landscaping;<br>• On-site ponding areas or retention facilities to increase opportunities for infiltration;<br>• Convey roof runoff to landscaping/permeable areas prior to discharge to storm drains;<br>• Drain sidewalks and walkways to adjacent landscaped areas; and<br>• Integration of landscaping and drainage designs. | | | |
| 71. | 4.6.3 If determined necessary by the City, the Interim Off-site Drainage Concept described at Section 4.6.4.3, and discussed in detail within Limited Off-Site Storm Drain Analysis for #3882-02 Wildomar, CA Walmart Planning Application No. 13-0086 I-15 & Bundy Canyon Road Wildomar, CA (Nasland Engineering) July 8, 2014 (Off-Site Storm Drain Analysis, included at Draft EIR Appendix F), shall be implemented by the Project Applicant. Final design of the Interim Off-site Drainage Concept is subject to review and approval by the City Engineer. | Prior to issuance of building permits. | Planning, Engineering & Building Department's | |

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| ***Biological Resources Measures:*** | | | | | |
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| 72. | 4.7.1 | Limits of the Project site shall be clearly marked by stakes or other means to ensure that off-site areas are not disturbed by Project construction activities. | Throughout construction. | Planning, Engineering & Building Department's | |
| 73. | 4.7.2 | A biological monitor shall be on-site during all vegetation clearing activities, and will halt any such activities if, in his or her professional opinion, such activities will result in the take of a protected species. | During all vegetation clearing activities. | Planning, Engineering & Building Department's | |
| 74. | 4.7.3 | Within 30 days prior to disturbance at the Project site, a pre-construction survey shall be conducted for burrowing owl (Athene cunicularia), and if owls are present they can be relocated following accepted protocols to comply with the MSHCP. | Within 30 days prior to disturbance at the Project site. | Planning, Engineering & Building Department's | |
| 75. | 4.7.4 | To avoid impacts to nesting birds and to comply with the federal Migratory Bird Treaty Act of 1918 (MBTA):<br>• If possible, all vegetation removal activities shall be scheduled from September 15 to February 15, which is outside the nesting season. This would ensure that no active nests would be disturbed and that removal could proceed rapidly.<br>• If vegetation is to be cleared during the nesting season (February 15 – September 15), all suitable habitat shall be | Throughout construction. | Planning, Engineering & Building Department's | |

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| | thoroughly surveyed for the presence of nesting birds by a qualified biologist 72 hours prior to clearing. If any active nests are detected, the area shall be flagged and mapped on the construction plans along with a minimum 200-foot buffer and up to 500 feet for raptors, with the final buffer distance to be determined by the qualified biologist. The buffer area shall be avoided until the nesting cycle is complete or it is determined that the nest has failed. In addition, the biologist will be present on the site to monitor the vegetation removal to ensure that any nests, which were not detected during the initial survey, are not disturbed. | | | |
| 76. | 4.7.5 A biologist shall make periodic site visits to ensure compliance with all permit conditions. | Throughout construction. | Planning, Engineering & Building Department's | |
| 77. | 4.7.6 Prior to the issuance of any grading permits and prior to any physical disturbance of any possible jurisdictional areas, the applicant shall obtain a Regional Board 401 Certification, or a written waiver of the requirement for such an agreement or permit, from the California Regional Water Quality Control Board. Written verification of such a permit or waiver shall be provided to the City of Wildomar Planning Department. | Prior to the issuance of any grading permits and prior to any physical disturbance of any possible jurisdictional areas. | Planning, Engineering & Building Department's | |

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| 78. | 4.7.7 | Prior to the issuance of any grading permits and prior to any physical disturbance of any possible jurisdictional areas, the applicant shall obtain a stream bed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit, from the California Department of Fish and Wildlife. Written verification of such a permit or waiver shall be provided to the City of Wildomar Planning Department. | Prior to the issuance of any grading permits and prior to any physical disturbance of any possible jurisdictional areas. | Planning, Engineering & Building Department's | |
| 79. | 4.7.8 | Prior to the issuance of any grading permits and prior to any physical disturbance of any possible jurisdictional areas, the applicant shall obtain a 404 permit, or a written waiver of the requirement for such an agreement or permit, from the U.S. Army Corps of Engineers. Written verification of such a permit or waiver shall be provided to the City of Wildomar Planning Department. | Prior to the issuance of any grading permits and prior to any physical disturbance of any possible jurisdictional areas. | Planning, Engineering & Building Department's | |
| ***Geology & Soils Measures:*** | | | | | |
| 80. | 4.8.1 | Design and development of the Project shall comply with recommendations and performance standards identified in the Geotechnical Investigation at pages 8 through 21, Sections 6.1 through 6.14. Where the Project Geotechnical Investigation is silent, requirements of the California Building Code as adopted and implemented by the City shall prevail. The Project Geotechnical Investigation provides recommendations and performance standards for the following design and | Prior to building plan check. | Planning, Engineering & Building Department's | |

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| | development components/attributes:<br>• Excavation and Soil Characteristics;<br>• Temporary Slope Excavations (i.e., trenching);<br>• Grading;<br>• Slopes;<br>• Seismic Design Criteria;<br>• Foundations;<br>• Concrete Slabs-on-Grade;<br>• Conventional Retaining Walls;<br>• Pavement Recommendations;<br>• Hydraulic Conductivity;<br>• Detention Basin and Bioswale Recommendations;<br>• Site Drainage and Moisture Protection; and<br>• Foundation and Grading Plan Review. | | | |
| ***Cultural Resources Measures:*** | | | | |
| 81. | 4.9.1 Prior to development approval on the Project site and issuance of any grading, building, or other permit authorizing ground-disturbing activity, the Project applicant(s) shall include the following wording on all construction contract documentation:<br>"If during grading or construction activities, cultural resources are discovered on the Project site, work shall be halted immediately within 50 feet of the discovery and the resources shall be evaluated by a qualified archeologist and the | Prior to development approval on the Project site and issuance of any grading, building, or other permit. | Planning, Engineering & Building Department's | |

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| | | Pechanga Tribe (Tribe). Any unanticipated cultural resources that are discovered shall be evaluated and a final report prepared by the qualified archeologist. The report shall include a list of the resources discovered, documentation of each site/locality, and interpretation of the resources identified, and the method of preservation and/or recovery for identified resources. In the event the significant resources are recovered and if the qualified archaeologist and the Tribe determines the resources to be historic or unique, avoidance and/or mitigation would be required pursuant to and consistent with CEQA Guidelines Sections 15064.5 and 15126.4 and Public Resources Code Section 21083.2 and the Cultural Resources Treatment and Monitoring Agreement required by Mitigation Measure 4.9.2." | | | |
| 82. | 4.9.2 | At least 30 days prior to seeking a grading permit, the Project applicant(s) shall contact the appropriate Tribe to notify the Tribe of grading, excavation, and the monitoring program and to coordinate with the City of Wildomar and the Tribe to develop a Cultural Resources Treatment and Monitoring Agreement. The agreement shall include, but not be limited to, outlining provisions and requirements for addressing the treatment of cultural resources; Project grading and development scheduling; terms of compensation for the monitors; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on the site; and establishing on-site monitoring provisions and/or requirements for professional Tribal monitors during all | At least 30 days prior to seeking a grading permit. | Planning, Engineering & Building Department's | |

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| | | ground-disturbing activities. A copy of this signed agreement shall be provided to the Planning Director and Building Official prior to the issuance of the first grading permit. | | | |
| 83. | 4.9.3 | Prior to development approval on the Project site and issuance of any grading, building, or other permit authorizing ground-disturbing activity, the Project applicant(s) shall include the following wording on all construction contract documentation:<br>"If human remains are encountered, California Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within a reasonable time frame. Subsequently, the Native American Heritage Commission shall identify the "most likely descendant" within 24 hours of receiving notification from the coroner. The most likely descendant shall then have 48 hours to make recommendations and engage in consultations concerning the treatment of the remains as provided in Public Resources Code Section 5097.98." | Prior to development approval on the Project site and issuance of any grading, building, or other permit. | Planning, Engineering & Building Department's | |

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| 84. | 4.9.4 | All cultural materials, with the exception of sacred items, burial goods, and human remains, which will be addressed in the Cultural Resources Treatment and Monitoring Agreement required by Mitigation Measure 4.9.2, that are collected during the grading monitoring program and from any previous archeological studies or excavations on the Project site shall be curated according to the current professional repository standards. The collections and associated records shall be transferred, including title, to the Pechanga Tribe's curation facility, which meets the standards set forth in 36 CRF Part 79 for federal repositories. | Throughout grading/prior to issuance of building permit. | Planning, Engineering & Building Department's | |
| 85. | 4.9.5 | All sacred sites, should they be encountered within the Project site, shall be avoided and preserved as the preferred mitigation, if feasible as determined by a qualified professional in consultation with the Pechanga Tribe. To the extent that a sacred site cannot be feasibly preserved in place or left in an undisturbed state, mitigation measures shall be required pursuant to and consistent with Public Resources Code Section 21083.2 and CEQA Guidelines Sections 15064.5 and 15126.4. | Throughout grading. | Planning, Engineering & Building Department's | |
| 86. | 4.9.6 | Prior to development approval on the Project site and issuance of any grading, building, or other permit authorizing ground-disturbing activity, the Project applicant(s) shall include the following wording on all construction contract documentation:<br>"If inadvertent discoveries of subsurface archaeological resources are discovered during grading, work shall be halted | Prior to development approval on the Project site and issuance of any grading, building, | Planning, Engineering & Building Department's | |

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| | | immediately within 50 feet of the discovery. The developer, the Project archeologist, and the 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 of or the mitigation for such resources, these issues will be presented to the City of Wildomar Planning Director. The Planning Director shall make the determination based on the provisions of CEQA with respect to archaeological resources and shall take into account the religious beliefs, customs, and practices of the Pechanga Tribe. Notwithstanding any other rights available under the law, the decision of the Planning Director shall be appealable to the City of Wildomar. In the event the significant resources are recovered and if the qualified archaeologist determines the resources to be historic or unique as defined by relevant state and local law, avoidance and mitigation would be required pursuant to and consistent with Public Resources Code Section 21083.2 and CEQA Guidelines Sections 15064.5 and 15126.4." | or other permit. | | |
| 87. | 4.9.7 | To address the possibility that cultural resources may be encountered during grading or construction, a qualified professional archeologist shall monitor all construction activities that could potentially impact archaeological deposits (e.g., grading, excavation, and/or trenching). However, monitoring may be discontinued as soon the qualified professional is satisfied that construction will not disturb cultural and/or paleontological resources. | Throughout construction. | Planning, Engineering & Building Department's | |

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| 88. | 4.9.8 | Prior to the issuance of a grading permit, the Project applicant(s) shall identify the qualified paleontologist to the City of Wildomar who has been retained to evaluate the significance of any inadvertently discovery paleontological resources. If paleontological resources are encountered during grading or Project construction, all work in the area of the find shall cease. The Project applicant shall notify the City of Wildomar and retain a qualified paleontologist to investigate the find. The qualified paleontologist shall make recommendations as to the paleontological resource's disposition to the City of Wildomar Planning Director. The developer shall pay for all required treatment and storage of the discovered resources. | Prior to the issuance of grading permit. | Planning, Engineering & Building Department's | |
| 89. | 4.9.9 | A qualified paleontologist or paleontological monitor shall monitor all mass grading and excavation activities. Monitoring will be conducted in areas of grading or excavation in undisturbed formational sediments of the sandstone member of the Pauba Formation (Qpfs) and the sandstone member of the Sandstone and Conglomerate of Wildomar (QTsw), of late Pliocene to middle Pleistocene age, as well as where over-excavation of surficial alluvial sediments will encounter these formations in the subsurface. Paleontological monitors shall be equipped to salvage fossils as they are unearthed to avoid construction delays and to remove samples of sediment that are likely to contain the remains of small fossil invertebrates and vertebrates. The monitor must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens in a timely manner. Monitoring | Throughout grading and excavation activities. | Planning, Engineering & Building Department's | |

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| | | may be reduced if the potentially fossiliferous units are not present in the subsurface, or if present, are determined on exposure and examination by qualified paleontological personnel to have low potential to contain fossil resources. | | | |
| 90. | 4.9.10 | Any recovered paleontological specimens shall be identified to the lowest taxonomic level possible and prepared for permanent preservation, including screen-washing of sediments to recover small invertebrates and vertebrates shall occur if necessary. | Prior to issuance of building permits. | Planning, Engineering & Building Department's | |
| 91. | 4.9.11 | Identification and curation of specimens into a professional, accredited public museum repository with a commitment to archival conservation and permanent retrievable storage shall occur at an institutional repository approved by the City of Wildomar. The paleontological program shall include a written repository agreement prior to the initiation of mitigation activities. | Prior to issuance of building permits. | Planning, Engineering & Building Department's | |
| 92. | 4.9.12 | A final monitoring and mitigation report of findings and significance shall be prepared, including lists of all fossils recovered and necessary maps and graphics to accurately record their original location. The report, when submitted to and accepted by the City of Wildomar, shall signify satisfactory completion of the Project program to mitigate impacts to any potential nonrenewable paleontological resources (i.e., fossils) that might have been lost or otherwise adversely affected without such a program in place. | Prior to issuance of building permits. | Planning, Engineering & Building Department's | |

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| **Prior to Issuance of Grading Permits** | | | | |
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| 93. | The grading plan shall include the following information in the Notes Section of the Grading Plan:<br>*"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."* | Prior to Issuance of a Grading Permit | Planning Department | |
| 94. | The grading plan shall include the following information in the Notes Section of the Grading Plan:<br>*"If at any time during excavation/construction of the site, archaeological/cultural resources, or any artifacts or other objects which reasonably appears to be evidence of cultural or archaeological resource are discovered, the property owner shall immediately advise* | Prior to Issuance of a Grading Permit | Planning Department | |

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| | *the City of such and the City shall cause all further excavation or other disturbance of the affected area to immediately cease. The Planning Director at his/her sole discretion may require the property owner to deposit a sum of money it deems reasonably necessary to allow the City to consult and/or authorize an independent, fully qualified specialist to inspect the site at no cost to the City, in order to assess the significance of the find. Upon determining that the discovery is not an archaeological/cultural resource, the Planning Director shall notify the property owner of such determination and shall authorize the resumption of work. Upon determining that the discovery is an archaeological/cultural resource, the Planning Director shall notify the property owner that no further excavation or development may take place until a mitigation plan or other corrective measures have been approved by the Planning Director."* | | | |
| 95. | Prior to the issuance of any grading permit the applicant shall receive approval of a haul permit for any import of material to the site or export of material off-site. The request for a haul permit shall include a haul route plan addressing the limitations of haul hours, number of loads per day and the posting of traffic control personnel at all approved entrances/exits onto public roads. This haul permit shall be in place prior to the issuance of the grading permit and the mobilization of equipment on the project site. If the proposed material source or disposal site was not previously evaluated by the mitigated negative declaration, a grading environmental assessment shall be approved by the planning director prior to the issuance of the haul permit. | Prior to Issuance of a Grading Permit | Planning & Engineering Depts. | |

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| **Prior to Issuance of Building Permits** | | | | |
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| 96. | Prior to the issuance of building permits for the 7,800 square-foot outparcel building, the applicant shall file a minor plot plan application for review and approval by the Planning Director. The final design of the building shall be consistent with the design theme of the Wal-Mart building. | Prior to the Issuance of Building Permits | Planning Dept. | |
| 97. | Prior to the issuance of the building permits, the applicant shall pay all applicable and current Development Impact Fees and City Mitigation Fees as determined by the Building and Engineering departments, including but not limited to, TUMF, MSHCP and K-Rat fees, etc. | Prior to the Issuance of Building Permits | Planning Dept. | |
| 98. | Prior to the issuance of building permits, the applicant shall submit for review and approval by the Planning Department three (3) sets of detailed/construction level landscape and irrigation plans, prepared by a registered landscape architect. Said landscape plans shall be consistent with the conceptual landscape plans approved by the City Council as part of CUP & Plot Plan No. 13-0086. | Prior to the Issuance of Building Permits | Planning Dept. | |
| **Prior to Issuance of Occupancy Permits** | | | | |
| 99. | The Applicant shall obtain a Type 21 (Off-premise General) license from the Department of Alcoholic Beverage Control (ABC) and submit proof to the Planning Department prior to the issuance of occupancy permits. | Prior to the Issuance of Occupancy Permits | Planning Dept. | |
| 00. | Prior to the Issuance of an Occupancy Permit, all Planning Department conditions listed herein for CUP/Plot Plan No. 13-0086 shall be completed to the satisfaction of the Planning Department. | Prior to the Issuance of Occupancy Permits | Planning Dept. | |

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| **PUBLIC WORKS/ENGINEERING/BUILDING DEPARTMENT CONDITIONS** | | | | |
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| **General Requirements/Conditions** | | | | |
| 1. | 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. | On-Going | Public Works Dept. | |
| 2. | The Developer shall dedicate, design and construct all improvements in accordance the City of Wildomar Road Improvement Standards & Specification, Improvement Plan Check Policies, Guidelines and project specific conditions of approval. Modifications to the standards, specifications, policies and guidelines may be identified by the city and/or developer during final engineering review; approval of modifications and deviations shall be submitted for consideration in writing; and, modifications and deviations are subject to approval of the City Engineer. Modifications to the conditions of approval may require approval by the Planning Commission and/or City Council. | On-Going | Public Works Dept. | |
| 3. | The improvement plans for the required public improvements must be prepared and shall be based upon a design profile extending a minimum of 300 feet beyond the project boundaries at a grade and alignment as approved by the City Engineer. | On-Going | Public Works Dept. | |
| 4. | The Developer shall be responsible for all costs associated with off-site right-of-way acquisition, including any costs associated with the eminent domain process, if necessary. | On-Going | Public Works Dept. | |

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| 5. Should this project lie within any assessment/benefit district, the project proponent shall, prior to acceptance of improvements, make application for and pay for their reapportionment of the assessments or pay the unit fees in the benefit district unless said fees are otherwise deferred. | On-Going | Public Works Dept. | |
| 6. The developer shall annex into the City's Community Facility District (CFD 2013-1 Services) and pay associated costs for annexation. Should this project lie within any assessment/benefit district that duplicates the services to be covered under CFD 2013-1 then the developer shall de-annex from said assessment/benefit district. | On-Going | Public Works Dept. | |
| 7. All above-ground utilities, including but not limited to communication and power that are 33KV in size or less, shall be undergrounded by the developer in accordance with City requirements. The undergrounding of utilities shall be reflected on the project improvement plans. | On-Going | Public Works Dept. | |
| 8. All flood control plans to be reviewed by the Riverside County Flood Control District (RCFCD) shall be submitted to RCFCD. The City of Wildomar shall be copied on the transmittal with a copy of the improvement plans and all correspondence. For projects requiring RCFCD review the developer shall pay the appropriate fees to RCFCD. Estimate of Costs for flood control facilities shall be approved by RCFCD and the City. | On-Going | Engineering Dept. | |
| 9. All water and sewer plans to be reviewed by the Elsinore Valley Municipal Water District (EVMWD) shall be submitted to EVMWD. The City of Wildomar shall be copied on the transmittal with a copy of the improvement plans and all correspondence. For projects requiring | On-Going | Engineering Dept. | |

| | **Conditions of Approval** | **Timing/ Implementation** | **Enforcement/ Monitoring** | **Verification (Date and Signature)** |
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| | EVMWD review the developer shall pay the appropriate fees to EVMWD. Estimate of Costs for water and sewer facilities shall be approved by EVMWD and the City. | | | |
| 10. | All fire service improvement plans to be reviewed by Riverside County Fire Department (RCFD) shall be submitted to RCFD. The City of Wildomar shall be copied on the transmittal with a copy of the improvement plans and all correspondence. For projects requiring RCFD review the developer shall pay the appropriate fees to RCFD. Estimate of Costs for fire service facilities shall be approved by RCFD and the City. | On-Going | Engineering Dept. | |
| **Prior to the Issuance of Grading Permits** | | | | |
| 11. | All grading shall conform to the California Building Code, including Appendix J, and all other relevant laws, rules, and regulations governing grading in the City of Wildomar. Prior to commencing any grading which includes 50 or more cubic yards, the developer shall obtain a grading permit. | Prior to Issuance of Grading Permits | Public Works Dept. | |
| 12. | Grading in excess of 199 cubic yards will require a grading agreement and a performance security to be posted with the City. Grading Agreements require City Council Approval unless authority is delegated to the City Engineer. | Prior to Issuance of Grading Permits | Public Works Dept. | |
| 13. | Graded slopes shall be limited to a maximum steepness ratio of 2:1 (horizontal to vertical) unless otherwise approved by the City Engineer. | Prior to Issuance of Grading Permits | Public Works Dept. | |

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| 14. | All retaining walls shall require a separate permit from the Building Department. Retaining Wall plans shall be approved concurrent with Grading Plan approval. | Prior to Issuance of Grading Permits | Building Dept. | |
| 15. | The developer shall submit a geotechnical soils reports to the City Engineer for review and approval prior to issuance of grading permit. The findings and recommendations shall reflect current conditions and the report shall be no older than one (1) year. All grading shall be in conformance with the recommendations of the geotechnical/soils reports as approved by City of Wildomar. If grading activities become dormant for six months or more, additional geotechnical review of the findings and recommendations may be required at the direction of the City Engineer. | Prior to Issuance of Grading Permits | Public Works Dept. | |
| 16. | The developer shall 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. | Prior to Issuance of Grading Permits | Public Works Dept. | |
| 17. | Erosion control – landscape plans, required for manufactured slopes greater than 3 feet in vertical height, are to be signed by a registered landscape architect and bonded. Planting shall occur within 30 days of meeting final grades to minimize erosion and to ensure slope coverage prior to the rainy season. The Developer shall plant & irrigate all manufactured slopes steeper than a 4:1 (horizontal to vertical) ratio and 3 feet or greater in vertical height with grass or ground cover; slopes 15 feet or greater in vertical height shall be | Prior to Issuance of Grading Permits | Public Works Dept.<br><br>Planning Dept. | |

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| | planted with additional shrubs or trees or as approved by the City Engineer. | | | |
| 18. | The Developer shall provide evidence that environmental impacts and regulatory agency permits have been addressed prior to issuance of a haul permit or grading permit. | Prior to Issuance of Grading Permits | Public Works Dept. | |
| 19. | The project specific SWPPP shall be approved by the City Engineer. | Prior to Issuance of Grading Permits | Public Works Dept. | |
| 20. | The Developer shall provide the Engineering Department evidence of compliance with the National Pollutant Discharge Elimination System (NPDES) and obtain a construction permit from the State Water Resource Control Board (SWRRCB). | Prior to Issuance of Grading Permits | Public Works Dept. | |
| 21. | The developer shall submit a Final Water Quality Management Plan (WQMP), in conformance with the requirements of the San Diego and/or Santa Ana Regional Water Quality Control Board. Applicant shall confirm the watershed requirements relative to their project location. All stormwater quality treatment devices shall be located outside of the ultimate public right of way. The developer shall design the stormwater quality treatment devices to accommodate all project runoff, ensuring post-construction flows and volumes do not exceed pre-construction levels, in accordance with City of Wildomar's Hydrology Manual, Stormwater Quality Best Management Practice Design Handbook, Improvement Standards, and to the satisfaction of the City | Prior to Issuance of Grading Permits | Public Works Dept. | |

| | **Conditions of Approval** | **Timing/ Implementation** | **Enforcement/ Monitoring** | **Verification (Date and Signature)** |
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| | Engineer. These BMPs shall be consistent with the Final WQMP and installed to the satisfaction of the City Engineer. | | | |
| 22. | If the project location is within the Santa Ana River Watershed: The developer is to provide the appropriate documentation that will allow this project a waiver for mitigation volume related to the Lake Elsinore sub watershed of the Santa Ana Watershed. Please note the City is not a permittee in the MS4 permit for the Santa Ana River Watershed (Lake Elsinore) and is governed only by the MS4 permit for the Santa Margarita Watershed, therefore the Applicant needs to provide evidence that this waiver has been approved by the Santa Ana Regional Water Quality Control Board. Otherwise volume has to be addressed. | Prior to Issuance of Grading Permits | Public Works Dept. | |
| 23. | The developer shall prepare and submit a comprehensive drainage study and plan that includes, but is not limited to: definition with mapping of the existing watersheds; a detailed pre- and post-project hydrologic and hydraulic analysis of the project and project impacts; definition of the local controlling 100-year frequency water levels existing and with project; the proposed method of flow conveyance to mitigate the potential project impacts with adequate supporting calculations; any proposed improvements to mitigate the impacts of increased runoff from the project and any change in runoff; including quality, quantity, volume, and duration in accordance with City of Wildomar's Hydrology Manual, Improvement Standards, and to the satisfaction of the City Engineer. Specifically, the study will:<br>a. Analyze the detention basin drainage area for a project using the Rational Method 100-year storm event for the pre-project and | Prior to Issuance of Grading Permits | Public Works Dept. | |

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| | post-project.<br>b. Analyze 4 hydrographs for the detention basin drainage area for a project using the Unit Hydrograph 100-year storm event for the 1-hour, 3-hour, 6-hour, and 24-hour storm durations for post-project condition.<br>c. Using the Unit Hydrographs determine which duration provides the highest flow rate. Adjust parameters such as lag time, flow line roughness coefficient or other parameters to calibrate Unit Hydrograph model to provide results similar to the Rational Method.<br>Using the calibrated Unit Hydrograph for the detention basin drainage area perform basin routing analysis to demonstrate that the outflow is less than the pre-project Rational Method flow rate. | | | |
| 24. | The developer's contractor is required to submit for a haul route permit for the hauling of material to and from the project site. Said permit will include limitations of haul hours, number of loads per day and the posting of traffic control personnel at all approved entrances/exits onto public roads. This permit shall be in place prior to the issuance of the grading permit and the mobilization of equipment on the project site. | Prior to Issuance of Grading Permits | Public Works Dept. | |
| 25. | The developer shall have obtained approval for the import/export location from the City of Wildomar. Additionally, if either location was not previously approved by an Environmental Assessment, a Grading Environmental Assessment shall be submitted to the Planning Director for review and comment and to the City Engineer for approval. | Prior to Issuance of Grading Permits | Public Works Dept. | |

| | **Conditions of Approval** | **Timing/ Implementation** | **Enforcement/ Monitoring** | **Verification (Date and Signature)** |
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| 26. | All necessary measures to control dust shall be implemented by the developer during grading to the satisfaction of the City Engineer. A PM10 plan may be required at the time a grading permit is issued. | On-Going | Public Works Dept. | |
| **Prior to Issuance of Building Permits** | | | | |
| 27. | Offsite public improvement plans, water, sewer and utility plans, flood control plans and onsite grading, stormwater quality treatment and improvement plans shall be prepared, processed and approved. | Prior to Issuance of Building Permits | Public Works & Building Depts. | |
| 28. | Prior to the 1st Improvement Plan submittal, the developer shall provide a current Title Report and show all easements, rights-of-way, and encumbrances to the satisfaction of Public Works. If the developer is different than the owner identified in the Title Report then a notarized letter authorizing the developer to improve the property shall be provided. | Prior to Issuance of Building Permits | Public Works & Building Depts. | |
| 29. | Offsite public improvement plans shall be prepared for Bundy Canyon Road from the I-15 freeway to Monte Vista Drive for six lanes of through traffic and turning lanes. The design shall be based on an Urban Arterial Highway, Standard No. 91. The minimum Traffic Index is 10.0. A Truck Traffic analysis shall be performed to determine the ultimate pavement structural section requirements. | Prior to Issuance of Building Permits | Public Works & Building Depts. | |
| 30. | Offsite public improvement plans shall be prepared for Bundy Canyon Road from Monte Vista Drive to Oak Canyon Drive for four lanes of through traffic and turning lanes. The design shall be based on an Arterial Highway, Standard No. 92. The minimum Traffic Index is 10.0. A Truck Traffic analysis shall be performed to determine the ultimate | Prior to Issuance of Building Permits | Public Works & Building Depts. | |

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| | pavement structural section requirements. | | | |
| 31. | Offsite public improvement plans shall be prepared for Monte Vista Drive from Bundy Canyon Road to Canyon Drive for four lanes of through traffic and turning lanes. The design shall be based on a Secondary Highway, Standard No. 94. Modifications to Standard No. 94 shall include a raised median and a multi-use trail along the easterly right of way. The raised median shall also include a decorative fence designed to discourage mid-block pedestrian crossing. The multi-use trail shall include a 6-foot wide concrete sidewalk and an 8-foot wide soil stabilized disintegrated granite path. | Prior to Issuance of Building Permits | Public Works & Building Depts. | |
| 32. | Canyon Drive improvements will be included as part of the on-site private improvement plans. The developer shall provide an easement to the City of Wildomar for traffic signal operation and maintenance. If Canyon Drive was previously offered for dedication as a public improvement then the developer will prepare a legal description and plat quitclaiming the offer. | Prior to Issuance of Building Permits | Public Works & Building Depts. | |
| 33. | Traffic Signal Plans shall be prepared for the intersection of Bundy Canyon Road and Sellers Road. As part of the design and approval process, the applicant shall close the median opening (extending south from Bundy Canyon Road) as part of the signal improvement plans. | Prior to Issuance of Building Permits | Public Works & Building Depts. | |
| 34. | Traffic Signal Plans shall be prepared for the intersection of Bundy Canyon Road and Monte Vista Road. | Prior to Issuance of Building Permits | Public Works & Building Depts. | |

| ATTACHMENT C - EXHIBIT 1<br>WALMART DEVELOPMENT PROJECT - CONDITIONS OF APPROVAL | | | |
|---|---|---|---|
| **Project Application: Change of Zone, Conditional Use Permit & Plot Plan No. 13-0086 (Planning Application No. 13-0086)** | | | |
| **APN No.: 380-280-004 and 380-280-009, 010, 011 & 012** | | | |
| **Original Council Approval Date:**<br>**Plot Plan/CUP: February 11, 2015** | **Expiration Date (Council Approval)**<br>**Plot Plan/CUP: February 11, 2017** | | |
| **Conditions of Approval** | **Timing/ Implementation** | **Enforcement/ Monitoring** | **Verification (Date and Signature)** |
| 35. The developer shall dedicate a public utility easement adjacent to all public and private streets for overhead and/or underground facilities and appurtenances to the satisfaction of the City Engineer. | Prior to Issuance of Building Permits | Public Works & Building Depts. | |
| 36. The developer shall submit landscaping and irrigation plans within the public right-of-way to the Planning Department. These plans shall include water usage calculations, estimate of irrigation and the location of all existing trees that will remain. | Prior to Issuance of Building Permits | Public Works & Building Depts. | |
| 37. The developer shall provide will serve letters from the appropriate water and sewer agencies. | Prior to Issuance of Building Permits | Public Works & Building Depts. | |
| 38. The developer shall submit to the City Engineer traffic control plans for the construction of Bundy Canyon Road and Monte Vista Road to ensure the continued flow of traffic during construction. | Prior to Issuance of Building Permits | Public Works & Building Depts. | |
| 39. The developer shall execute a maintenance agreement for the stormwater quality control treatment devices as identified in the WQMP. | Prior to Issuance of Building Permits | Public Works & Building Depts. | |
| 40. The developer shall pay all fees in accordance with Zone A of the Southwest Road and Bridge Benefit District. | Prior to Issuance of Building Permits | Public Works & Building Depts. | |
| 41. The developer shall pay the appropriate impact mitigation fee to the Riverside County Flood Control and Water Conservation District. | Prior to Issuance of Building Permits | Public Works & Building Depts. | |

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| 42. | The developer shall pay all necessary impact and mitigation fees required. These fees include, but are not limited to, fees associated with Transportation Uniform Mitigation Fee (TUMF), Quimby (parkland in-lieu) Fee, and City Development Impact Fees. | Prior to Issuance of Building Permits | Public Works & Building Depts. | |
| **Prior to Issuance of Occupancy Permits** | | | | |
| 43. | Offsite public improvements, water, sewer and utility improvements, flood control improvements and onsite grading, stormwater quality treatment improvements shall be constructed and approved. | Prior to Issuance of Occupancy Permits | Public Works & Building Depts. | |
| 44. | All street name signs at intersections adjacent to the project, public or private and/or street name signs to be replaced shall be installed and approved. | Prior to Issuance of Occupancy Permits | Public Works & Building Depts. | |
| 45. | The developer shall annex into all applicable Maintenance Districts, Community Service Areas and Landscaping Maintenance District for landscaping, lighting, drainage and maintenance to the satisfaction of the City Engineer or otherwise form a District where one is not currently in place. | Prior to Issuance of Occupancy Permits | Public Works & Building Depts. | |
| 46. | A letter from outside agencies as applicable (e.g., RCFCD, EVMWD, RCFD, Caltrans, etc.) involved in the approval and acceptance of improvements shall be received and addressed to the City of Wildomar. The developer shall be responsible for obtaining the letter(s). | Prior to Issuance of Occupancy Permits | Public Works & Building Depts. | |

| ATTACHMENT C - EXHIBIT 1<br>WALMART DEVELOPMENT PROJECT - CONDITIONS OF APPROVAL | | | |
|---|---|---|---|
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| **APN No.: 380-280-004 and 380-280-009, 010, 011 & 012** | | | |
| **Original Council Approval Date:**<br>**Plot Plan/CUP: February 11, 2015** | **Expiration Date (Council Approval)**<br>**Plot Plan/CUP: February 11, 2017** | | |
| **Conditions of Approval** | **Timing/ Implementation** | **Enforcement/ Monitoring** | **Verification (Date and Signature)** |

| **RIVERSIDE COUNTY FIRE DEPARTMENT** | | | | |
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| **General Conditions** | | | | |
| 1. | 10. FIRE.999 PC - #01 – West Fire Protection Planning Office Responsibility - It is the responsibility of the recipient of these Fire Department conditions to forward them to all interested parties. The permit number (as it is noted above) is required on all correspondence. Additional information is available at our website: www.rvcfire.org go to the link marked "Ordinance 787". Questions should be directed to the Riverside County Fire Department, Fire Protection Planning Division at 2300 Market St. Suite 150, Riverside, CA 92501. Phone: (951) 955-4777, Fax: (951) 955-4886. | On-Going | County Fire Department | |
| 2. | 10.FIRE.999 CASE –CITY CASE STATEMENT - With respect to the conditions of approval for the referenced project, the Fire Department recommends the following fire protection measures be provided In accordance with Riverside County Ordinances and /or recognized fire protection standards. | On-Going | County Fire Department | |
| 3. | 10. FIRE.6 - #71 – ADVERSE IMPACTS - The proposed project will have a cumulative adverse impact on the Fire Department's ability to provide an acceptable level of service. These impacts included an increased number of emergency and public service calls due to the increased presence of structures and population. The project proponents/ developers shall participate in the development impact fee program as adopted by the Riverside County Board of Supervisors to mitigate portion of these impacts. This will provide funding for capitol improvements such as land and/or construction of fire facilities to meet | On-Going | County Fire Department | |

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| | service demands through the regional integrated fire protection response system. | | | |
| 4. | 10. FIRE.7 - #86 – WATER MAINS - All water mains and fire hydrants providing required fire flows shall be constructed in accordance with the appropriate sections of the California Fire Code,2013 Edition, subject to the approval by the Riverside County Fire Department. | On-Going | County Fire Department | |
| 5. | 10. FIRE.12 - #85 – FINAL FIRE REQUIRE - Final fire protection requirements and impact mitigation measures will be determined when specific project plans are submitted. | On-Going | County Fire Department | |
| **ELSINORE VALLEY MUNICIPAL WATER DISTRICT (EVMWD)** | | | | |
| **General Conditions** | | | | |
| 1. | The water supply system shall be connected to the 1746 pressure zone. The existing 10 inch ACP water line fronting the property on Bundy Canyon Road shall be upsized as required to meet fire flow demands as established by the Fire Department. | On-going | EVMWD | |
| 2. | The development needs to plan and install purple piping for irrigation with Recycled Water, when available. | On-going | EVMWD | |
| 3. | Individual water meters shall be used per each separate business or commercial establishment | On-going | EVMWD | |

| ATTACHMENT C - EXHIBIT 1<br>WALMART DEVELOPMENT PROJECT - CONDITIONS OF APPROVAL | | | |
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| **Conditions of Approval** | **Timing/ Implementation** | **Enforcement/ Monitoring** | **Verification (Date and Signature)** |
| 4. On-site water and sewer shall be privately owned and maintained | On-going | EVMWD | |
| 5. The Developer will be required to contact EVMWD and adhere to the Districts Development process, and pay all applicable fees. | On-going | EVMWD | |

# ATTACHMENT D

**Walmart Development Plans**
**(Separate Pdf Document)**

# ATTACHMENT E

**Johnson & Sedlack Comment Letter (Dated 1/21/15)**
**(Separate Pdf Document)**

# ATTACHMENT F

**Staff Responses to Johnson & Sedlack Comment Letter**
**(Separate Pdf Document)**