



CITY OF WILDOMAR – PLANNING COMMISSION
Agenda Item #2.2
PUBLIC HEARING
Meeting Date: August 19, 2015

TO: Chairman and Members of the Planning Commission

FROM: Matthew C. Bassi, Planning Director

SUBJECT: Elm Street Residential Project (Planning Application No. 08-0154):
Planning Commission review and recommendation to the City Council for the adoption of a Mitigation Negative Declaration and Mitigation Monitoring & Reporting Program, approval of a Change of Zone and approval of a Tentative Tract Map (TTM No. 33840) for a 4.16 acre site located at the terminus of Elm Street between Gruwell Street and Central Street

STAFF RECOMMENDATION:

The Planning Department recommends that the Planning Commission take the following actions:

1. Adopt a Resolution entitled:

PC RESOLUTION NO. 2015-15

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA, RECOMMENDING CITY COUNCIL ADOPTION OF A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING & REPORTING PROGRAM IN ACCORDANCE WITH SECTION 15074 OF THE CEQA GUIDELINES FOR CHANGE OF ZONE NO. 08-0154 AND TENTATIVE TRACT MAP NO. 33840 (PLANNING APPLICATION NO. 08-0154) FOR A 4.16 ACRE PROJECT SITE LOCATED AT THE TERMINUS OF ELM STREET BETWEEN GRUWELL STREET AND CENTRAL STREET (APN: 376-043-027).

2. Adopt a Resolution entitled:

PC RESOLUTION NO. 2015-16

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA, RECOMMENDING CITY COUNCIL APPROVAL OF A CHANGE OF ZONE (PLANNING APPLICATION NO. 08-0154) FROM R-R (RURAL RESIDENTIAL) TO R-1 (ONE-FAMILY DWELLING) FOR A 4.16-ACRE SITE LOCATED AT THE TERMINUS OF ELM STREET BETWEEN GRUWELL STREET AND CENTRAL STREET (APN: 376-043-027).

3. Adopt a Resolution entitled:

PC RESOLUTION NO. 2015-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA, RECOMMENDING CITY COUNCIL APPROVAL OF TENTATIVE TRACT MAP NO. 33840 (PLANNING APPLICATION NO. 08-0154) FOR THE SUBDIVISION OF APPROXIMATELY 4.16 ACRES INTO 15 PARCELS, SUBJECT TO CONDITIONS, LOCATED AT THE TERMINUS OF ELM STREET BETWEEN GRUWELL STREET AND CENTRAL STREET (APN: 376-043-027).

PROJECT DESCRIPTION:

The applicant, Zareh Hookasian, is proposing a Change of Zone and a Tentative Tract Map for the development of 15 single-family residential dwelling units. The Elm Street project as it has been named consists of the following actions/applications:

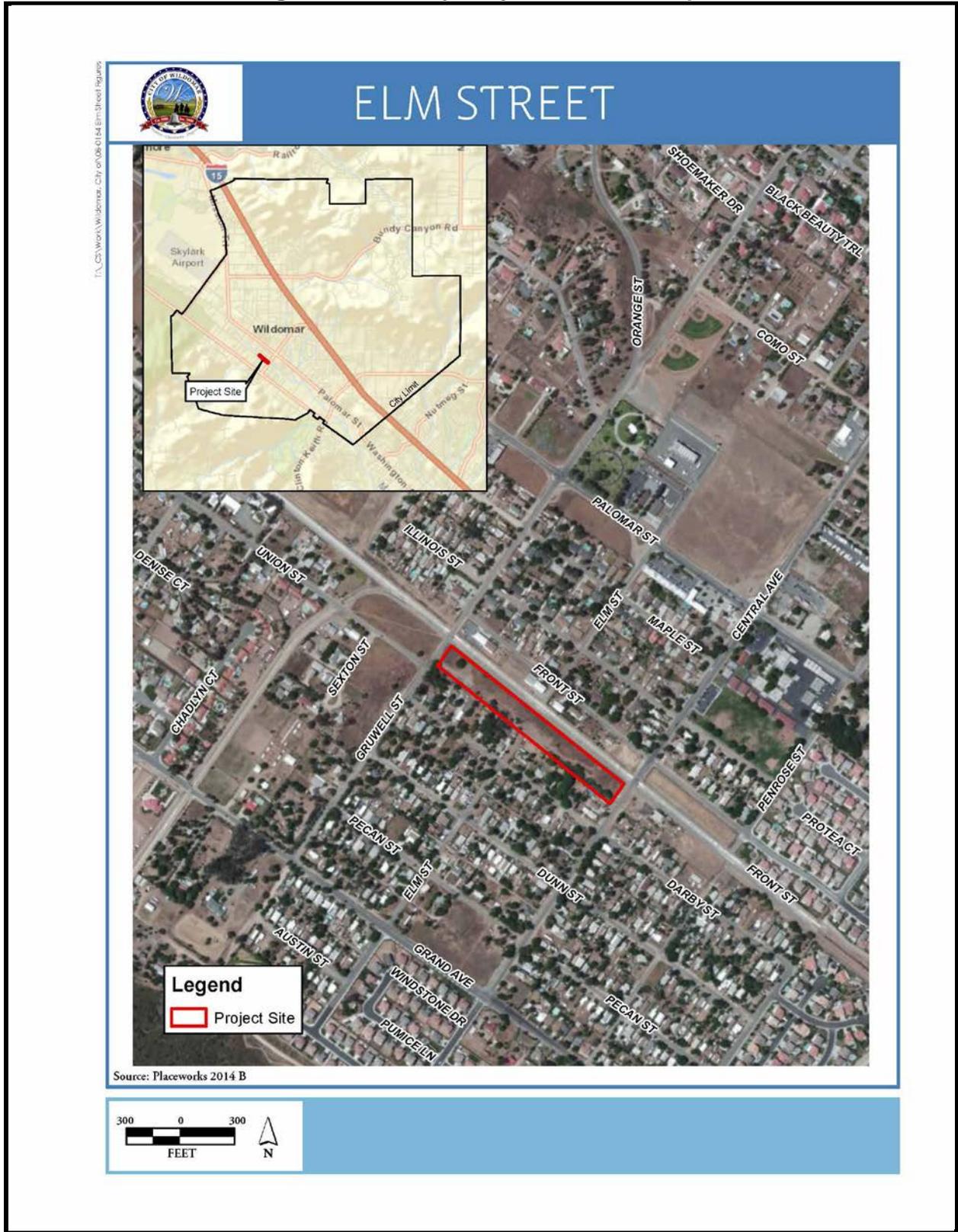
- Adoption of an MND and an MMRP
- Approval of a Change of Zone
- Approval of a 15-lot Tentative Tract Map (TTM 33840)

A more detailed description of each application is provided in the following sections.

Project Location/Vicinity

The project site encompasses approximately 4.16 acres and is located at the end of Elm Street between Central Street to the northeast and Gruwell Street to the southwest, with the Murrieta Creek Channel drainage course to the northeast. The Assessor's Parcel Number (APN) for the project site is 376-043-027. The project site is relatively flat; a cement-lined canal carrying Murrieta Creek is located near the northeastern boundary of the site. The aerial photo on the following page shows the project site and surrounding area (see **Figure 1**).

Figure 1 – Vicinity/Project Location Map



Surrounding Land Uses

The project site is surrounded by low- and medium-density residential uses and/or open space immediately to the west, east, and south and by Murrieta Creek Channel and residential uses to the north. **Table 1** lists the current land uses, General Plan designations, and zoning for the site and abutting properties. Staff has also provided two exhibits (on the following pages – see **Figure 2** and **Figure 3**) showing the General Plan land use designations and zoning.

Table 1 – Adjacent Land Use, General Plan, and Zoning

ADJACENT LAND USE, GENERAL PLAN AND ZONING			
Location	Current Land Use	General Plan Land Use Designation	Zoning
Subject Property	Vacant	MDR (Medium Density Residential)	R-R (Rural Residential)
North	Murrieta Creek Canal; Single-Family Residential; Open Space	MDR (Medium Density Residential); LDR (Low Density Residential)	R-1 (One-Family Dwelling)
South	Single-Family Residential	MDR (Medium Density Residential)	R-R (Rural Residential)
East	Single-Family Residential	MDR (Medium Density Residential)	R-R (Rural Residential)
West	Single-Family Residential; Open Space	MDR (Medium Density Residential); LDR (Low Density Residential)	R-R (Rural Residential)

Change of Zone No. 08-0154

The applicant is requesting approval of a Change of Zone from R-R (Rural Residential) to R-1 (One-Family Dwelling) to accommodate the proposed single family residential development. The site has a current General Plan land use designation of Medium Density Residential (MDR), which provides for a density range of 2 to 5 units per acre for detached single-family residences.

Further analysis of the Change of Zone is provided in the Project Analysis section of this report. On the following pages are figures showing the current General Plan land use designation and zoning (see **Figure 2** and **Figure 3**) along with the proposed zoning (see **Figure 4**).

Figure 2 – General Plan Land Use Designation

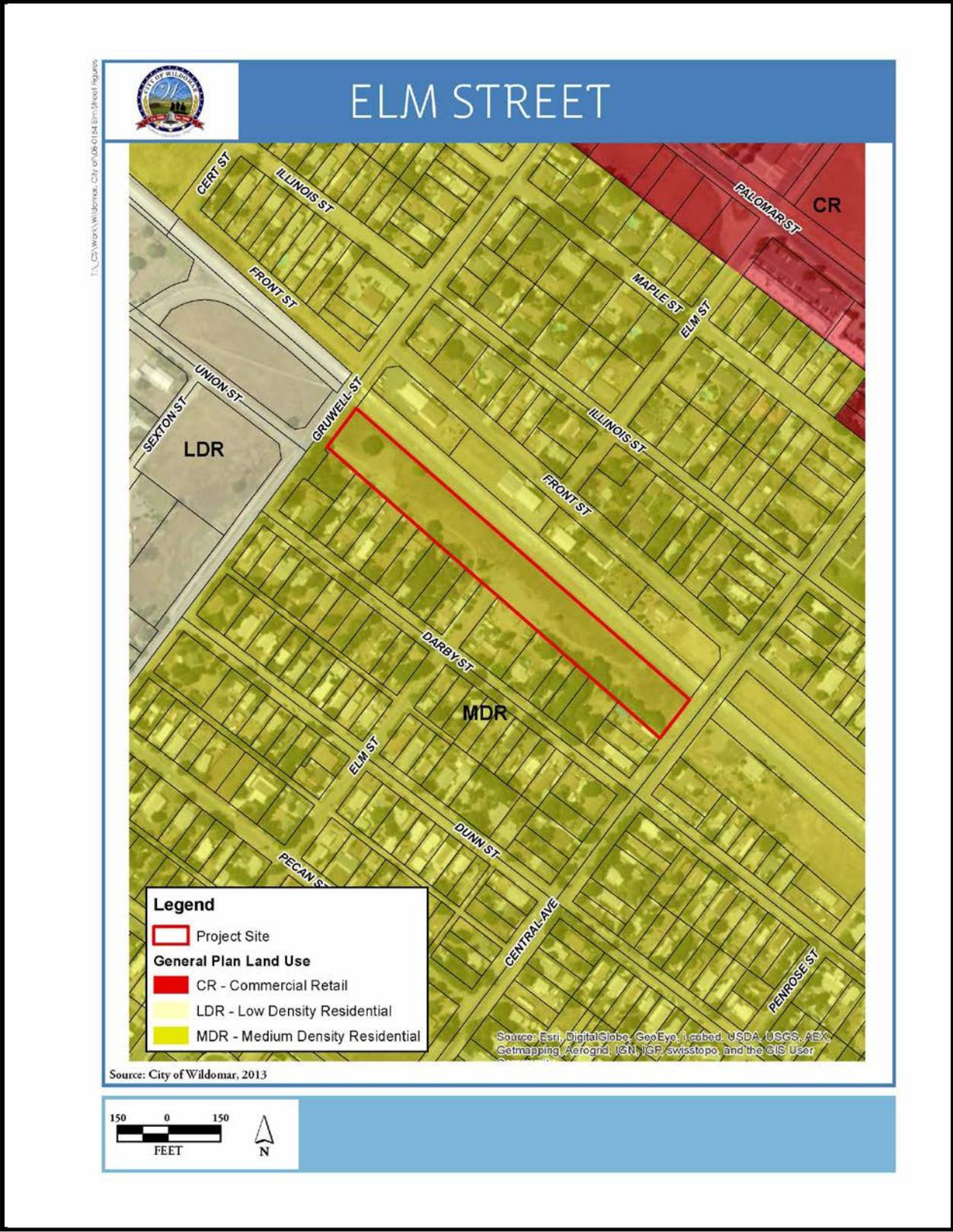


Figure 3 – Zoning

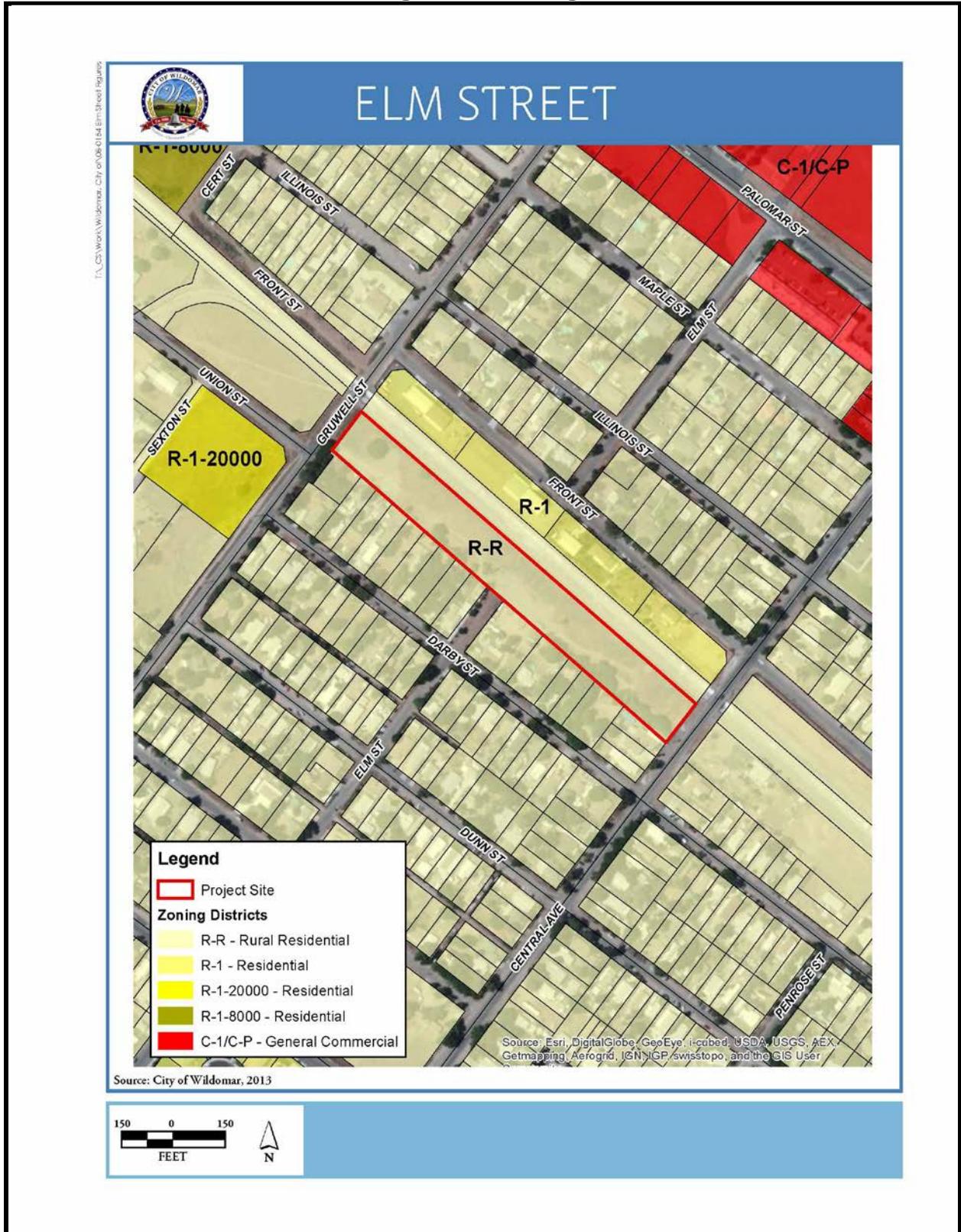
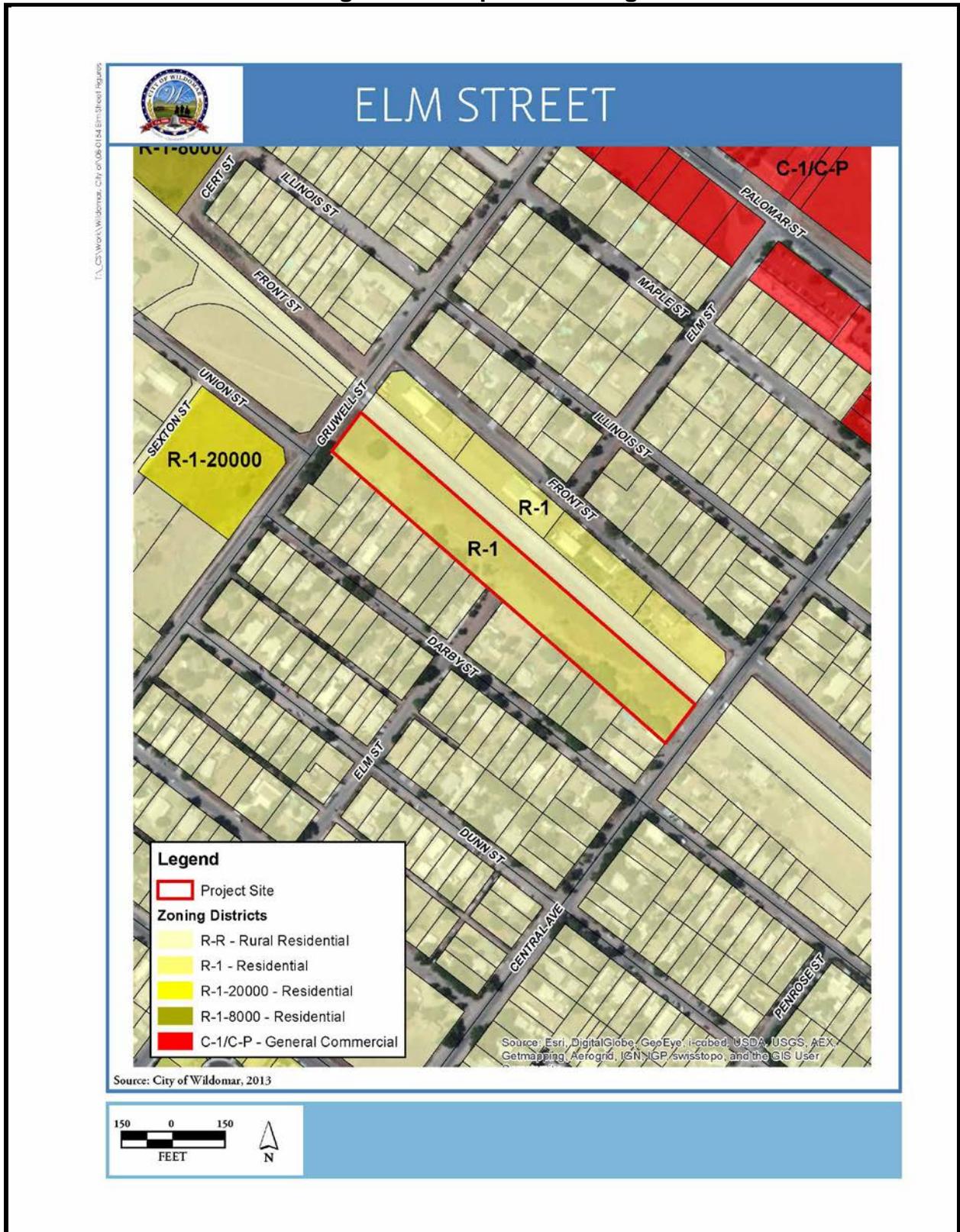


Figure 4 – Proposed Zoning



Tentative Tract Map No. 33840

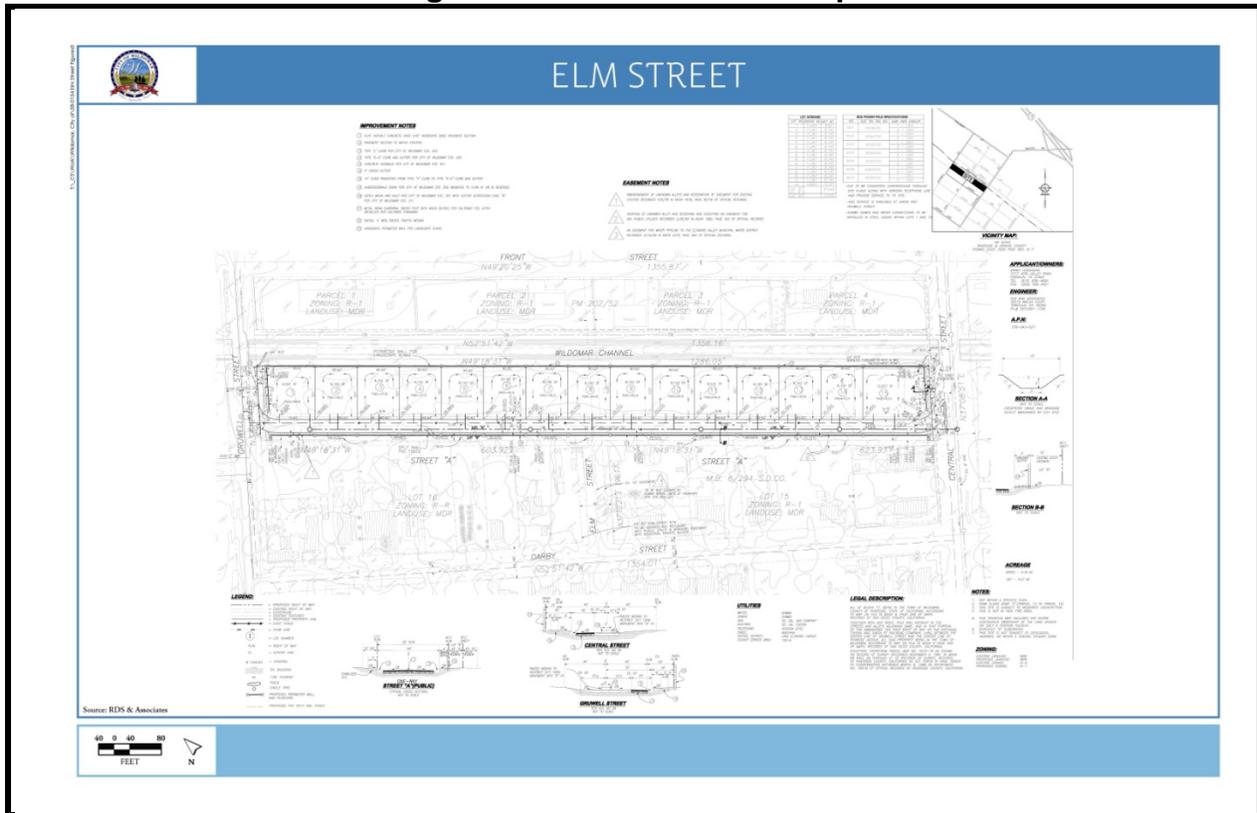
The applicant is proposing a Tentative Tract Map (TTM No. 33840) to subdivide the 4.16-acre site into 15 lots to accommodate the development of 15 single-family residential dwelling units. The proposed lot sizes range in size from 8,142 square feet (smallest size) to 12,007 square feet (largest size) which results in an average lot size of 8,458 square feet. The proposed lot sizes are consistent with the minimum lot size set forth in the R-1 zone standards. A full-size copy of the proposed tract map is provided in Attachment D. A reduced exhibit of the tract map is shown below as **Figure 5**. Table 1-1 shows the proposed gross lot sizes for each parcel.

**Table 1-1
Proposed Lot Acreage**

Lot Number	Gross Lot Sizes (square feet)
1	9,021
2	8,142
3	8,142
4	8,142
5	8,142
6	8,142
7	8,142
8	8,142
9	8,142
10	8,142
11	8,142
12	8,142
13	8,142
14	8,142
15	12,007

Source: RDS and Associates 2013d (TM 33840)

Figure 5 – Tentative Tract Map



Specifics of the proposed tract map are described below.

Roadway Access

Direct access to each of the lots created by the proposed project will be via a proposed one-way street (shown as A Street on the tract map) that will be accessed via Central Street to the northeast and Gruwell Street to the southwest. The traffic will flow from Central Street through A Street and onto Gruwell Street.

Water

The proposed project will receive potable water service from the Elsinore Valley Municipal Water District (EVMWD). Connections to the EVMWD water supply will occur at existing water lines in Central Street.

Wastewater

The proposed project will receive wastewater service from the Elsinore Valley Municipal Water District. Connection to the EVMWD wastewater system will occur at an existing 8-inch sewer line in Central Street.

Stormwater

Stormwater currently flows on the surface from the northeast border of the project site at Gruwell Street to the southwest to Central Street. Central Street drains directly into the Murrieta Creek Channel. Stormwater from the proposed project will be directed to flow

southwesterly along the proposed A Street to the vegetated swale in Lot 15 adjacent to Central Street. Flows within A Street will be directed to a low point fronting Lot 15. Flows from the low point in Street A will be conveyed through a vegetated swale in Lot 15. The filtered flows from the vegetated swale will then drain to the Murrieta Creek Channel.

Other Utilities and Services

Electric, gas, cable, and telecommunications services would be extended underground onto the site from existing lines along Central Street. Electricity would be provided by Southern California Edison, natural gas service by the Southern California Gas Company, telecommunications by Verizon, and solid waste removal by Waste Management. The site is located within the boundaries of the Lake Elsinore Unified School District. Local government services are provided by the City of Wildomar. Fire and law enforcement services are provided by the City of Wildomar through contracts with the Riverside County Fire Department and the Riverside County Sheriff's Department.

An analysis is provided in the Project Analysis section of this report.

Environmental/CEQA

In accordance with the California Environmental Quality Act (CEQA) Guidelines, the proposed project required the preparation and processing of an Initial Study/Mitigated Negative Declaration (IS/MND) and a Mitigation Monitoring and Reporting Program (MMRP). The MND and MMRP must be reviewed by the Planning Commission as part of its recommendation to the City Council. A detailed analysis of the MND process, etc., is provided in the Environmental Analysis section of this report. Copies of the IS/MND and the MMRP (with technical studies/appendices) are provided for Commission consideration (Attachment A, Exhibits 1–3).

PROJECT ANALYSIS:

Environmental/CEQA Analysis

In accordance with the California Environmental Quality Act (CEQA; Public Resources Code Sections 21000–21178.1), an Initial Study is required to analyze the proposed Change of Zone and Tentative Tract Map to determine whether any potential significant impacts on the environment that would result from implementation of the project. The Initial Study is intended to inform the Planning Commission, responsible agencies, and the general public of potential environmental impacts associated with the proposed project and is key to determining whether a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report is required.

IS/MND #1:

An Initial Study was first prepared and circulated from July 9, 2014, through August 7, 2014 (SC#: 2014071028). In the original circulated Initial Study, the applicant proposed a tentative tract map (TTM No. 33840) to subdivide a 4.16 acre site into 12 parcels, ranging in size from 9,292 square-feet to 13,409 square-feet. Three (3) comment letters

were received during the 30-day review/comment period. These comments have been addressed and are incorporated into the current IS/MND document (dated March 2015) and responses to these comments are included Attachment A, Exhibit 3.

IS/MND #2:

A 2nd Initial Study/MND was prepared due to 1st review comments and changes to the proposed project by the Applicant. The updated IS/MND evaluated the environmental impacts resulting from the development of the proposed Tentative Tract Map (TTM No. 33840) to subdivide 4.16 acres into 15 parcels (instead of the original 12 parcels). The proposed Change of Zone from the existing zoning of R-R (Rural Residential) to the R-1 (One-Family Dwelling) remained the same.

The only substantive change to the original mitigation measures was the elimination of one mitigation measure (formerly TRA-1) relating to the maintenance and design of the Ben and Fanny Taylor Regional Trail (HT-W-13). As this trail segment is actually located within the Murrieta Creek channel, it is not a project specific impact, and therefore, does need a mitigation measure.

The recirculated IS/MND was released for the 30-day public and agency review on March 25, 2015 and concluded on April 23, 2015. The City received six (6) comments during the 2nd review period. Each comment has been responded to, including the comments received during the 1st review period (Attachment A, Exhibit 3). The required findings supporting adoption of the IS/MND are discussed in the findings section below. The IS/MND, supporting technical studies/appendices and Mitigation Monitoring and Reporting Program (MMRP) is attached for Commission consideration (Attachment A, Exhibits 1–3). Based on the findings below, the Planning Commission may recommend City Council adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the proposed project.

Change of Zone No. 08-0154:

Staff has evaluated the proposed Change of Zone from the current zoning of R-R (Rural Residential) to R-1 (One-Family Dwelling) to determine consistency with the General Plan. The site has a General Plan land use designation of Medium Density Residential (MDR), which allows between two and five detached single-family residences per acre on lots ranging from 5,500 to 20,000 square feet in size. The R-1 zone allows single-family dwellings on lot areas not less than 7,200 square feet. The adjacent parcels on Darby Street also have a land use designation of Medium Density Residential (MDR) with the R-R zoning designation.

In reviewing the applicant's Change of Zone request and development proposal, the project density is proposed at 3.6 units per acre with lot sizes ranging from 8,142 to 12,007 square feet, which falls within the permitted density range and lot sizes and thus is consistent with the General Plan. It should be noted that surrounding zone districts are primarily R-R (with the MDR land use designation) to the south, east, and west.

These minimum lot sizes are larger (minimum of one-half (1/2) acre) in comparison to R-1 zone district. In this case, the surrounding R-R parcels are on lots that range from less than 1/2 acre to over 1 acre. The parcels in the project site are less than one-half (1/2) acre and will be developed in accordance with Chapter 17.24 of the Wildomar Municipal Code (R-1 standards).

While the General Plan Land Use designation of MDR is applicable to the project site and surrounding neighborhood, the proposed project and surrounding areas range in density from 2 – 5 units per acre. Therefore, the density of the proposed project is similar to that of the surrounding residential land uses. As such, the project is compatible with the surrounding uses

Tentative Tract Map No. 33840

The applicant is proposing a Tentative Tract Map (TTM No. 33840) to subdivide 4.16 acres into 15 lots, which will accommodate the future development of 15 single-family residential dwelling units. The tract map will be subdivided under the provisions and development standards of the R-1 (One-Family Dwelling) zone. In accordance with Wildomar Municipal Code Section 17.24.020 (Development Standards), the minimum lot area (i.e., lot size) for each dwelling unit is 7,200 square feet.

In review of the proposed tract map, the minimum lot size will be 8,142 square feet, which exceeds the minimum standards. The average lot size for the tract map is 8,458 square feet. **Table 2** discusses the City of Wildomar’s Municipal Code development standards as outlined in Section 17.24.020 for the R-1 zone and the project’s consistency with these regulations.

Table 2: Lot Summary Table

Parcel Number	Minimum Required Lot Area (gross sq. ft.)	Proposed Lot Area (sq. ft.)	Minimum Required Lot Width/Depth (sq. ft.)	Proposed Lot Width / Depth (ft.) (Per TM 36519)	Meets or Exceeds Standards
1	7,200	9,021	Width = 60 feet Depth = 100 feet	Width = 73.60 Depth = 101	YES
2	7,200	8,142	Width = 60 feet Depth = 100 feet	Width = 80.62 Depth = 101	YES
3	7,200	8,142	Width = 60 feet Depth = 100 feet	Width = 80.62 Depth = 101	YES
4	7,200	8,142	Width = 60 feet Depth = 100 feet	Width = 80.62 Depth = 101	YES
5	7,200	8,142	Width = 60 feet Depth = 100 feet	Width = 80.62 Depth = 101	YES
6	7,200	8,142	Width = 60 feet Depth = 100 feet	Width = 80.62 Depth = 101	YES

7	7,200	8,142	Width = 60 feet Depth = 100 feet	Width = 80.62 Depth = 101	YES
8	7,200	8,142	Width = 60 feet Depth = 100 feet	Width = 80.62 Depth = 101	YES
9	7,200	8,142	Width = 60 feet Depth = 100 feet	Width = 80.62 Depth = 101	YES
10	7,200	8,142	Width = 60 feet Depth = 100 feet	Width = 80.62 Depth = 101	YES
11	7,200	8,142	Width = 60 feet Depth = 100 feet	Width = 80.62 Depth = 101	YES
12	7,200	8,142	Width = 60 feet Depth = 100 feet	Width = 80.62 Depth = 101	YES
13	7,200	8,142	Width = 60 feet Depth = 100 feet	Width = 80.62 Depth = 101	YES
14	7,200	8,142	Width = 60 feet Depth = 100 feet	Width = 80.62 Depth = 101	YES
15	7,200	12,007	Width=60 feet Depth=100 feet	Width = 116 Depth = 101	YES

Neighborhood Meetings:

As part of the tract map process, the city hosted two separate neighborhood meetings with residents living in the Elm Street/Darby Street area. These meetings were held on February 24, 2014 (8 residents spoke) and July 21, 2014 (4 residents spoke). The intent of both neighborhood meetings was to introduce the proposed residential project, receive input from residents and address concerns raised by the residents.

The following list summarizes the main comments raised by the Darby Street/Elm Street residents, and how those concerns have been addressed with project design changes.

- 1) The proposed project is too dense with 15 parcels and residents felt a 7 or 8 lot subdivision under the R-R zone standards was more compatible and appropriate with their neighborhood. Staff suggested a compromise at 10 lots with the R-1 zone standards.
 - The Applicant has chosen to keep the proposed tract map at 15 lots subdivided under the R-1 zone standards (proposed with the change of zone application) as permitted by the existing MDR land use designation (2 to 5 units/acre). This results in a density of 3.6 units per acre which is within the allowable MDR density range. The Applicant felt that with the improvements being conditioned on the project, 15 lots was better suited to their development needs. This number of lots also match the number of lots adjacent to the project site along Darby Street.

- 2) Traffic generated by the project would significantly impact Elm Street and Darby Street. How would this be addressed?
 - The tract map has been redesigned to provide a one-way through street within the proposed tract map subdivision. Access would come from Central Street and exit onto Gruwell Street (“right-in & right-out” concept). Originally, Elm Street was a proposed access road into the project site. However, this has since changed and Elm Street has been vacated. Instead, access into the project site will be via Gruwell Street and Central Avenue.
- 3) How is emergency access to the site achieved?
 - The tract map has been redesigned to provide a one-way through street within the proposed tract map subdivision. Emergency access would come from Central Street and exit onto Gruwell Street (“right-in & right-out” concept). No emergency traffic would come through the Elm Street/Darby Street neighborhood.
- 4) Questions about sewer availability for surrounding homes (i.e., Elm/Darby neighborhood) were presented.
 - EVMWD is requiring a sewer line along the “one-way” street within the proposed subdivision from Central Avenue (existing sewer line) to serve the project site. No additional sewer lines are being required to serve the Elm Street/Darby Street neighborhood via the proposed project.
- 5) Concern was raised about the location of the western boundary wall and how Darby Street residents will get access to the rear yards.
 - The proposed project has been modified to include a 10-foot easement area (Lot B) for residents to use to gain access to their rear yards adjacent to the proposed tract. On the eastern edge of the easement, the Applicant will provide a 4-foot landscape buffer to include a 6-foot decorative block wall, landscaping and rolled curbs. This modification is reflected as Cross Section “B-B” on the tract map plans.
- 6) Questions were asked if the Applicant was going to establish a Homeowners Association (HOA)?
 - Yes the Applicant intends to set up a homeowners association.
- 7) Concerns were raised on how “storm run off” was being handled and possible impacts on the Darby Street properties.
 - During site preparation and grading and as future development is proposed, soil erosion may result during construction, as grading and construction can

loosen surface soils and make soils susceptible to the effects of wind and water movement across the surface. The City of Wildomar's standard conditions and requirements applied to the proposed project will require compliance with the National Pollutant Discharge Elimination System (NPDES) and the State Water Quality Control Board's construction permit, as well as the submittal of detailed erosion control plans with any grading plans. A draft water quality management plan for the project site is included as **Appendix 8** of the recirculated IS/MND (Attachment A; Exhibit 3). Implementation of standard conditions and requirements of the City of Wildomar will also address any erosion issues associated with the future grading of the site.

- 8) Concern was raised by the Darby & Elm Street residents about having two-story homes built on the project site.

To address this concern, the Applicant has agreed to build only one-story homes and has agreed to be conditioned as such. Before building permits are issued for this tract development, the Applicant is required to submit a Final Site Plan of Development for Planning Department review and approval.

REQUIRED FINDINGS OF FACT:

CEQA/IS/MND Findings of Fact:

Staff recommends that the Planning Commission, in light of the whole record before it, including but not limited to the staff report, proposed Initial Study/Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Program (attached hereto as Attachment A, Exhibits 1–3), documents incorporated herein by reference, written comments received and responses provided, and other substantial evidence (within the meaning of Public Resources Code Sections 21080(e) and 21082.2) within the record and/or provided at the public hearing, recommend that the City Council find and determine as follows:

- A. Review Period: That the City has provided the public review period for the Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the required 30-day public review period required by CEQA Guidelines Sections 15073 and 15105.
- B. Compliance with Law: That the Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program were prepared, processed, and noticed in accordance with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) and the CEQA Guidelines (14 California Code of Regulations Section 15000 et seq.).

- C. Independent Judgment: That the Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program reflect the independent judgment and analysis of the City.
- D. Mitigation Monitoring and Reporting Program: That the Mitigation Monitoring and Reporting Program is designed to ensure compliance during project implementation in that changes to the project and/or mitigation measures have been incorporated into the project and are fully enforceable through permit conditions, agreements, or other measures as required by Public Resources Code Section 21081.6.
- E. No Significant Effect: That revisions made to the project as agreed to by the applicant, and mitigation measures imposed as conditions of approval on the project, avoid or mitigate any potential significant effects on the environment identified in the Initial Study to a point below the threshold of significance. Furthermore, after taking into consideration the revisions to the project and the mitigation measures imposed, the Planning Commission finds that there is no substantial evidence, in light of the whole record, from which it could be fairly argued that the project may have a significant effect on the environment. Therefore, the Planning Commission concludes that the project will not have a significant effect on the environment with the proposed mitigation measures and the Mitigation Monitoring and Reporting Program.

Change of Zone Finding of Fact:

In accordance with California Government Code Sections 65853–65857 and Wildomar Zoning Ordinance Section 17.280, staff recommends that 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, recommend that the City Council find and determine as follows:

- A. Finding: The proposed Change of Zone is in conformance with the adopted General Plan for the City of Wildomar.

Evidence: Staff has evaluated the proposed change of zone from the current zoning of R-R (Rural Residential) to R-1 (One-Family Dwelling) to determine consistency with the General Plan. The site has a General Plan land use designation of Medium Density Residential (MDR), which allows between two and five detached single-family residences per acre on lots ranging from 5,500 to 20,000 square feet in size. The R-1 zone allows single-family dwellings on lot areas not less than 7,200 square feet.

In reviewing the applicant’s Change of Zone request and development proposal, the project density is proposed at 3.6 units per acre with lot sizes ranging from 8,142 to 12,007 square feet, which falls within the permitted density range and lot sizes and thus is consistent with the General Plan. **Table 2** above discusses the

City of Wildomar's Municipal Code development standards as outlined in Section 17.24.020 for the R-1 zone and the project's consistency with these regulations. As discussed above, the project is consistent with the City of Wildomar's General Plan and the City's R-1 zoning standards.

Tentative Tract Map No. 33840 Findings of Fact:

In accordance with Wildomar Municipal Code Title 16 and Title 17, and Government Code Sections 66473.1, 66473.5, and 66474, staff recommends that 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 therein, the City's General Plan, Subdivision Ordinance, Zoning Ordinance, standards for public streets and facilities, and any other evidence within the record or provided at the public hearing of this matter, recommend that the City Council find and determine as follows:

- A. Finding: The proposed tract map is consistent with the City's General Plan and any applicable specific plan as specified in Government Code Section 65451.

Evidence: The applicant is proposing a Tentative Tract Map (TTM No. 33840) to subdivide 4.16 acres into 15 lots, which will accommodate the development of 15 single-family residential dwelling units. Staff has evaluated the proposed Change of Zone from the current zoning of R-R (Rural Residential) to R-1 (One-Family Dwelling) to determine consistency with the General Plan. The site has a General Plan land use designation of Medium Density Residential (MDR), which allows between two and five detached single-family residences per acre on lots ranging from 5,500 to 20,000 square feet in size. The R-1 zone allows single-family dwellings on lot areas not less than 7,200 square feet. In review of the proposed tract map, the project density is proposed at 3.6 units per acre with lot sizes ranging from 8,142 to 12,007 square feet, which falls within the permitted density range and lot sizes and thus is consistent with the General Plan.

There is no specific plan governing this project. In terms of specific land use policies related to this project, the proposed tract map promotes (and is consistent with) the following residential land use policies:

LU 3.1 (Community Design) – “Accommodate land use development in accordance with the patterns and distribution of uses and density depicted on the General Plan Land Use map.”

LU 6.1 (Land Use Compatibility) – “Require land uses to develop in accordance with the General Plan and area plans to ensure compatibility and minimize impacts.”

LU 12.6 (Circulation) – “Require that adequate and accessible circulation facilities exist to meet the demands of a proposed land use.”

LU 22.1 (Community Development) – “Accommodate the development of single and multi family residential units in areas appropriately designated by the General Plan and area plan land use maps.”

LU 22.3 (Community Development) – “Require that adequate and available circulation facilities, water resources and sewer facilities exist to meet the demands of the proposed residential land use.”

- B. Finding: The design or improvement of the proposed subdivision is consistent with the City’s General Plan and any applicable specific plan.

Evidence: The proposed subdivision has been designed to meet all City standards applicable to residential subdivisions, which are designed to provide satisfactory pedestrian and vehicular circulation, including emergency vehicle access and on-and off-site public improvements. Further, all streets, utilities, and drainage facilities have been designed and are required to be constructed in conformance with City standards. There is no specific plan governing this project.

- C. Finding: The site is physically suitable for the type and proposed density of development.

Evidence: The project site encompasses 4.16 acres. The Tentative Tract Map proposes to subdivide the project area into 15 lots for single-family residential development. The density allowed by the MDR designation allows between two and five detached single-family residences per acre on lots ranging from 5,500 to 20,000 square feet in size. The R-1 zone allows single-family dwellings on lot areas not less than 7,200 square feet. In review of the proposed tract map, the project density is proposed at 3.6 units per acre with lot sizes ranging from 8,142 to 12,007 square feet, which falls within the permitted density range and lot sizes and thus is consistent with the General Plan. Therefore, the proposed tract map is physically suitable for the type and proposed density of development.

- D. Finding: The design of the subdivision or proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Evidence: The City prepared an Initial Study that resulted in the preparation, processing, and review of an Initial Study/Mitigated Negative Declaration for Tentative Tract Map No. 33840. The IS/MND analyzed the environmental issues required by CEQA related to fish and wildlife, including their respective habitats. The IS/MND was circulated for public review and made available for a 30-day public review period in accordance with CEQA. Thus, it has been determined that the design of the subdivision and proposed improvements will not likely cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat with implementation of the proposed mitigation measures as

outlined in the IS/MND and the Mitigation Monitoring and Report Program (MMRP). Therefore, the proposed tract map meets this finding.

- E. Finding: The design of the subdivision or type of improvements is not likely to cause serious public health problems.

Evidence: The design of the subdivision is in conformance with the City's General Plan, Zoning Code, and Subdivision Ordinance. The design and construction of all improvements to accommodate the project have been conditioned in accordance with all applicable City of Wildomar ordinances, codes, and standards including but not limited to the California Uniform Building Code, the City's ordinances relating to stormwater runoff management, and adopted public works standards. As the City's ordinances, codes, and standards have been created based on currently accepted standards and practices for the preservation of the public health, safety, and welfare, the proposed tract map meets this finding.

- F. Finding: The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Evidence: The project contains an abandonment of unknown alleys and reservation of easement for existing utilities, a vacation of an unnamed alley and reserving and excepting an easement for any public utilities, and an easement for a water pipeline to the Elsinore Valley Municipal Water District. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

PUBLIC NOTICING/COMMUNICATION:

In accordance with Wildomar Municipal Code sections 16.12.140(A) and 17.280.040, the Planning Department on August 5, 2015, mailed a public hearing notice to all property owners within a 600-foot radius of the proposed project boundaries notifying them of the August 19, 2015 Planning Commission meeting. In addition, on August 7, 2015, a legal notice was published in the Press Enterprise, a local newspaper of general circulation, notifying the general public of the August 19, 2015 Planning Commission meeting. Lastly, in accordance with Section 16.12.140(A), a public hearing notice was also provided on August 5, 2015 to the Elsinore Valley Municipal Water District (EVMWD) and the Lake Elsinore Unified School District. notifying the general public of the August 19, 2015 Planning Commission meeting.

Respectfully Submitted,
Matthew C. Bassi
Planning Director

Reviewed by,
Erica L. Vega
Assistant City Attorney

ATTACHMENTS

- A. PC Resolution No. 2015-15 for IS/MND/MMRP
 - Exhibit 1 – Initial Study/Mitigated Negative Declaration
 - Exhibit 1-A Technical Appendices/Studies
 - Exhibit 2 – Mitigation Monitoring and Reporting Program
 - Exhibit 3 – IS/MND “Responses to Comments”
- B. PC Resolution No. 2015-16 for Change of Zone No. 08-0154
 - Exhibit 1 – Draft City Council Ordinance
- C. PC Resolution No. 2015-17 for Tentative Tract Map No. 33840
 - Exhibit 1 – Conditions of Approval Matrix
- D. Tentative Tract Map No. 33840 Plans (full-size plans – under separate cover)

INCORPORATED HEREIN BY REFERENCE THE FOLLOWING

- City of Wildomar General Plan and EIR
- City of Wildomar Zoning Ordinance (Title 17 of the WMC)
- City of Wildomar Subdivision Ordinance (Title 16 of the WMC)

ATTACHMENT A

PC Resolution No. 2015-15

PC RESOLUTION NO. 2015-15

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA, RECOMMENDING CITY COUNCIL ADOPTION OF A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING & REPORTING PROGRAM IN ACCORDANCE WITH SECTION 15074 OF THE CEQA GUIDELINES FOR CHANGE OF ZONE NO. 08-0154 AND TENTATIVE TRACT MAP NO. 33840 (PLANNING APPLICATION NO. 08-0154) FOR A 4.16 ACRE PROJECT SITE LOCATED AT THE TERMINUS OF ELM STREET BETWEEN GRUWELL STREET AND CENTRAL STREET (APN: 376-043-027).

WHEREAS, an application for Change of Zone No. 08-0154 from R-R to R-1 and Tentative Tract Map No. 33840 for the subdivision 4.16 acres into 15 lots has been filed by:

Applicant/Owner:	Zareh Hookasian
Authorized Agent:	Rich Soltysiak, PE, RDS and Associates
Project Location:	End of Elm Street between Central Street to the northeast and Gruwell Street to the southwest
APN:	376-043-027
Lot Area:	4.16 acres

WHEREAS, the proposed Change of Zone and Tentative Tract Map applications are considered a “project” as defined by the California Environmental Quality Act, Public Resources Code Section 21000 et seq. (CEQA); and

WHEREAS, the Planning Director determined the project may have one or more significant effects on the environment and that preparation of an Initial Study/Mitigated Negative Declaration was therefore warranted under Public Resources Code Section 21080(c); and

WHEREAS, after completion of an Initial Study, the Planning Director determined that it did not identify any potentially significant effects on the environment nor was there any substantial evidence from which it could be fairly argued that the project would have a significant effect on the environment. Therefore, staff has recommended to the Planning Commission adoption of a Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program for this project; and

WHEREAS, the proposed Mitigated Negative Declaration consists of the following documents: Initial Study/Mitigated Negative Declaration (July 2014), Recirculated Initial Study/Mitigated Negative Declaration (March 2015), Mitigation Monitoring and Reporting Program, and applicable technical appendices; and

WHEREAS, on July 9, 2014, using a method required under CEQA Guidelines Section 15072, the City provided a Notice of Intent (NOI) to the Riverside County Clerk, the Press Enterprise, a local newspaper of general circulation, and the City 's local distribution list regarding the adoption of a proposed Initial Study/Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program for the project; and

WHEREAS, on July 9, 2014, the draft Initial Study/Mitigated Negative Declaration were made available for public review for a period of not less than 30 days commencing on July 9, 2014, and concluding on August 7, 2014, as required by CEQA Guidelines Section 15087. Said document was posted in two public places for review at the following locations: Wildomar City Hall and the City of Wildomar website; and

WHEREAS, during the 30-day public review period, the City received three (3) written comment concerning the proposed Initial Study/Mitigated Negative Declaration, at which time the Planning Department decided to revise the draft Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program and recirculate the document in accordance with CEQA; and

WHEREAS, on March 25, 2015, using a method required under CEQA Guidelines Section 15072, the City provided a Notice of Intent (NOI) to the Riverside County Clerk, the Press Enterprise, a local newspaper of general circulation, and the City's local distribution list regarding the adoption of a proposed Initial Study/Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program for the project; and

WHEREAS, on March 25, 2015, the recirculated draft Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program were made available for public review for a period of not less than 30 days commencing on March 25, 2015, and concluding on April 23, 2015, as required by CEQA Guidelines Section 15087. Said document was posted in two public places for review at the following locations: Wildomar City Hall and the City of Wildomar website; and

WHEREAS, during the 30-day public review period, the City received six (6) written comment concerning the proposed Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program; and

WHEREAS, in accordance with Wildomar Municipal Code Sections 16.12.140(A) and 17.280.040, the City of Wildomar Planning Department, on August 5, 2015 gave public notice by mailing a public hearing notice to all property owners within a 600-foot radius of the project boundaries notifying said property owners of the date and time of the public hearing for the Initial Study/Mitigated Negative Declaration that would be considered by the Planning Commission.

WHEREAS, in accordance with Wildomar Municipal Code Sections 16.12.140(A) and 17.280.040, the City of Wildomar Planning Department, on August 7, 2015

published a legal notice in the Press Enterprise, a local newspaper of general circulation, in compliance with state law notifying the general public of the public hearing for the Initial Study/Mitigated Negative Declaration that would be considered by the Planning Commission; and

WHEREAS, in accordance with Wildomar Municipal Code Sections 16.12.140 and 17.280.040, the City of Wildomar Planning Commission on August 19, 2015 held said public hearing, at which time the Planning Commission received public testimony from interested persons in support of, or opposition to, Initial Study/Mitigated Negative Declaration that would be considered by the Planning Commission.

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

SECTION 1. CEQA FINDINGS

The Planning Commission, in light of the whole record before it including but not limited to the staff report, proposed Initial Study/Mitigated Negative Declaration, the Mitigation Monitoring and Reporting Program, and the Response to Comments (attached hereto as Attachment A, Exhibits 1–3), documents incorporated herein by reference, and other substantial evidence (within the meaning of Public Resources Code Sections 21080(e) and 21082.2) within the record and/or provided at the public hearing, recommends that the City Council find and determine as follows:

- A. Review Period: That the City has provided the public review period for the Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the required 30-day public review period required by CEQA Guidelines Sections 15073 and 15105.
- B. Compliance with Law: That the Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program were prepared, processed, and noticed in accordance with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) and the CEQA Guidelines (14 California Code of Regulations Section 15000 et seq.).
- C. Independent Judgment: That the Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program reflect the independent judgment and analysis of the City.
- D. Mitigation Monitoring and Reporting Program: That the Mitigation Monitoring and Reporting Program is designed to ensure compliance during project implementation in that changes to the project and/or mitigation measures have been incorporated into the project and are fully enforceable through permit conditions, agreements, or other measures as required by Public Resources Code Section 21081.6.

- E. No Significant Effect: That revisions made to the project as agreed to by the applicant, and mitigation measures imposed as conditions of approval on the project, avoid or mitigate any potential significant effects on the environment identified in the Initial Study to a point below the threshold of significance. Furthermore, after taking into consideration the revisions to the project and the mitigation measures imposed, the Planning Commission finds that there is no substantial evidence, in light of the whole record, from which it could be fairly argued that the project may have a significant effect on the environment. Therefore, the Planning Commission concludes that the project will not have a significant effect on the environment with the proposed mitigation measures and Mitigation Monitoring and Reporting Program.

SECTION 2. MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP)

The Planning Commission recommends that the City Council find the project is consistent with the MSHCP. The project is located outside of any MSHCP criteria area, and mitigation is provided through payment of the MSHCP Mitigation Fee.

SECTION 3. PLANNING COMMISSION ACTIONS

The Planning Commission hereby takes the following actions:

1. Recommend Adoption of a Mitigated Negative Declaration/MMRP:
The Planning Commission hereby recommends that the City Council adopt the Initial Study/Mitigated Negative Declaration (with appendices) and the Mitigation Monitoring and Reporting Program for Change of Zone No. 08-0154 and Tentative Tract Map No. 33840 (Planning Application No. 08-0154) attached hereto this Resolution as Attachment A, Exhibits 1–3.
2. Recommend Filing a Notice of Determination:
In compliance with Public Resources Code Section 21152 and CEQA Guidelines Section 15075, the Planning Commission hereby recommends that the City Council of the City of Wildomar direct the Planning Director to prepare a Notice of Determination (NOD) with the Riverside County Clerk for posting concerning the approval and adoption of the Initial Study/Mitigated Negative Declaration within five (5) working days of project approval.
3. Location:
The Planning Commission recommends that the Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for Change of Zone No. 08-0154 and Tentative Tract Map No. 33840 (Planning Application No. 08-0154), and all documents incorporated therein or forming the record of decision therefor, shall be filed with the Wildomar Planning Department at City Hall, 23873 Clinton Keith Road, Suite 201, Wildomar, CA 92595 and shall be made available for public review upon request.

PASSED, APPROVED AND ADOPTED this 19th day of August, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Veronica Langworthy
Planning Commission Chair

ATTEST:

Matthew C. Bassi
Planning Director/Minutes Secretary

APPROVED AS TO FORM:

Erica L. Vega, Assistant City Attorney

ATTACHMENT A – EXHIBIT 1

Initial Study/Mitigated Negative Declaration

ATTACHMENT A – EXHIBIT 1-A

Technical Appendices/Studies

ATTACHMENT A – EXHIBIT 2

Mitigated Monitoring and Reporting Program (MMRP)

MITIGATION MONITORING AND REPORTING PROGRAM

1 INTRODUCTION

This document is the Mitigation Monitoring and Reporting Program (MMRP) for the **Elm Street Project (Tentative Tract Map No. 33840)** (Planning Application No. 08-0154) project. This MMRP has been prepared pursuant to Section 21081.6 of the California Public Resources Code, which requires public agencies to “adopt a reporting and monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.” An MMRP is required for the proposed project because the Initial Study/Mitigated Negative Declaration (IS/MND) identified significant adverse impacts, and measures have been identified to mitigate those impacts.

2 MITIGATION MONITORING AND REPORTING PROGRAM

As the lead agency, the City of Wildomar will be responsible for monitoring compliance with all mitigation measures. Different departments within the City are responsible for aspects of the project. The MMRP identifies the department with the responsibility for ensuring the measure is completed; however, it is expected that one or more departments will coordinate efforts to ensure compliance.

The MMRP is presented in tabular form on the following pages. The components of the MMRP are described briefly below.

- **Mitigation Measure:** The mitigation measures are taken from the Initial Study/Mitigated Negative Declaration, in the same order that they appear in the IS/MND.
- **Timing:** Identifies at which stage of the project the mitigation must be completed.
- **Monitoring Responsibility:** Identifies the department within the City with responsibility for mitigation monitoring.
- **Verification (Date and Initials):** Provides a contact who reviewed the mitigation measure and the date the measure was determined complete.

Mitigation Measure	Timing	Monitoring Responsibility	Verification (Date and Initials)
3.1 Aesthetics– none required	N/A	N/A	N/A
3.2 Agricultural Resources – none required	N/A	N/A	N/A
3.3 Air Quality – none required	N/A	N/A	N/A
3.4 Biological Resources			
<p>BIO-1 All developers of the proposed project site shall conduct construction and clearing activities outside of the avian nesting season (January 15–August 31), where feasible. If clearing and/or construction activities occur during the nesting season, preconstruction surveys for nesting raptors, migratory birds, and special-status resident birds (e.g., coastal California gnatcatcher) shall be conducted by a qualified biologist, up to 14 days before initiation of construction activities. The qualified biologist shall survey the construction zone and a 250-foot radius surrounding the construction zone to determine whether the activities may have the potential to disturb or otherwise harm nesting birds. If an active nest is located within 100 feet (250 feet for raptors) of construction activities, the project applicant shall establish an exclusion zone (no ingress of personnel or equipment at a minimum radius of 100 feet or 250 feet, as appropriate, around the nest). Alternative exclusion zones may be established through consultation with the CDFW and the USFWS, as necessary. The exclusion zones shall remain in force until all young have fledged. Reference to this requirement and to the Migratory Bird Treaty Act shall be included in the construction specifications. If construction activities or tree removal are proposed to occur during the non-breeding season (September 1–January 14), a survey is not required, no further studies are necessary, and no mitigation is required.</p>	<p>The project applicant shall incorporate requirements into all rough and/or precise grading plan documents. The project applicant’s construction inspector shall monitor to ensure that measures are implemented during construction.</p>	<p>City of Wildomar Planning and Public Works Departments</p>	

Mitigation Measure	Timing	Monitoring Responsibility	Verification (Date and Initials)
<p>BIO-2 Per MSHCP Species-Specific Objective 6, reconstruction presence/absence surveys for burrowing owl within the survey area, where suitable habitat is present, will be conducted for all covered activities through the life of the building permit. Surveys will be conducted 30 days prior to disturbance. Take of active nests will be avoided. Passive relocation (use of one-way doors and collapse of burrows) will occur when owls are present outside the nesting season. If construction is delayed or suspended for more than 30 days after the survey, the area shall be resurveyed. Surveys shall be completed for occupied burrowing owl burrows within all construction areas and within 150 meters (500 feet) of the project work areas (where possible and appropriate based on habitat). All occupied burrows will be mapped on an aerial photo.</p>	<p>Thirty days prior to any vegetation removal or ground-disturbing activities</p>	<p>City of Wildomar Planning and Public Works Departments</p>	
<p>BIO-3 If burrowing owls are identified during the survey period, the City shall require the project applicant to take the following actions to offset impacts prior to ground disturbance: Active nests within the areas scheduled for disturbance or degradation shall be avoided from February 1 through August 31, and a minimum 75-meter (250-foot) buffer shall be provided until fledging has occurred. Following fledging, owls may be passively relocated (use of one way doors and collapse of burrows) by a qualified biologist. If impacts on occupied burrows in the non-nesting period are unavoidable, on-site passive relocation techniques may be used if approved by the CDFW to encourage owls to move to alternative burrows outside of the impact area. However, no occupied burrows shall be disturbed during the nesting season. A qualified biologist must verify through noninvasive methods that the burrow is no longer occupied. If relocation of the owls is approved for the site by the</p>	<p>Prior to any vegetation removal or ground-disturbing activities</p>	<p>City of Wildomar Planning and Public Works Departments</p>	

Mitigation Measure	Timing	Monitoring Responsibility	Verification (Date and Initials)
<p>CDFW, the City shall require the developer to hire a qualified biologist to prepare a plan for relocating the owls to a suitable site. The relocation plan must include all of the following:</p> <ul style="list-style-type: none"> • The location of the nest and owls proposed for relocation. • The location of the proposed relocation site. • The number of owls involved and the time of year when the relocation is proposed to take place. • The name and credentials of the biologist who will be retained to supervise the relocation. • The proposed method of capture and transport for the owls to the new site. • A description of site preparation at the relocation site (e.g., enhancement of existing burrows, creation of artificial burrows, one-time or long-term vegetation control). • A description of efforts and funding support proposed to monitor the relocation. <p>If paired owls are present within 50 meters (160 feet) of a temporary project disturbance (e.g., parking areas), active burrows shall be protected with fencing/cones/flagging and monitored by a qualified biologist throughout construction to identify losses from nest abandonment and/or loss of reproductive effort. Any identified loss shall be reported to the CDFW.</p>			
3.5 Cultural Resources			
<p>CUL-1 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</p>	<p>As a condition of future development approval, and implemented during ground-disturbing construction</p>	<p>City of Wildomar Building & Safety and Planning</p>	

Mitigation Measure	Timing	Monitoring Responsibility	Verification (Date and Initials)
<p>resources shall be evaluated by a qualified archeologist and the Pechanga Tribe (Tribe). Any unanticipated cultural resources that are discovered shall be evaluated in the 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 CUL-2.</p>	<p>activities</p>	<p>Departments</p>	
<p>CUL-2 At least 30 days prior to seeking a grading permit, the project applicant(s) shall contact the Pechanga 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; 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 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.</p>	<p>Prior to the issuance of a grading permit</p>	<p>City of Wildomar Public Works and Planning Departments</p>	

Mitigation Measure	Timing	Monitoring Responsibility	Verification (Date and Initials)
<p>CUL-3 If human remains are encountered, California Health and Safety Code Section 7050.5 requires that no further disturbance 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 24 hours. 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.</p>	<p>As a condition of project approval, and implemented during ground-disturbing construction</p>	<p>City of Wildomar Public Works and Planning Departments</p>	
<p>CUL-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 CUL-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.</p>	<p>As a condition of project approval, and implemented during ground-disturbing construction activities</p>	<p>City of Wildomar Public Works and Planning Departments</p>	
<p>CUL-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</p>	<p>As a condition of project approval, and implemented during ground-disturbing construction activities</p>	<p>City of Wildomar Public Works and Planning Departments</p>	

Mitigation Measure	Timing	Monitoring Responsibility	Verification (Date and Initials)
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.			
<p>CUL-6 If inadvertent discoveries of subsurface archaeological resources are discovered during grading, work shall be halted 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.</p>	As a condition of future development approval, and implemented during ground-disturbing construction activities	City of Wildomar Public Works and Planning Departments	
<p>CUL-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</p>	As a condition of future development approval, and implemented during ground-disturbing construction activities	City of Wildomar Engineering and Planning Departments	

Mitigation Measure	Timing	Monitoring Responsibility	Verification (Date and Initials)
<p>construction will not disturb cultural and/or paleontological archaeological resources. A final mitigation monitoring report shall be prepared by the archaeologist documenting any resources found, their treatment, ultimate disposition, new or updated site records and any other pertinent information associated with the project. Final copies of the report will be submitted to the City of Wildomar, the developer, the Eastern Information Center, and the Pechanga Tribe.</p>			
<p>3.6 Geology and Soils</p>			
<p>GEO-1 Prior to the construction of any home on the proposed project site, the soils below the building areas and for a horizontal distance beyond the building areas at least equal to the depth of over-excavation below the final ground surface or 5 feet, whichever distance is greater, should be over-excavated to a depth of at least 5 feet below the final ground surface, whichever is deeper. Should competent natural soil be encountered before a depth of 5 feet is reached, the over-excavation can be terminated at that depth as long as there is at least 24 inches of compacted fill below all footings. Competent natural soil is defined as undisturbed material exhibiting a relative compaction of at least 85 percent (ASTM D 1557).</p>	<p>Prior to the issuance of a grading permit</p>	<p>City of Wildomar Public Works and Planning Departments</p>	
<p>GEO-2 The project applicant shall incorporate the recommendations of the Soils Investigation conducted by John R. Byerly, Inc. (2013; Appendix 6) into project plans. The project's building plans shall demonstrate that they incorporate all applicable recommendations of the soils investigation and comply with all applicable requirements of the latest adopted version of the California Building Code. A licensed professional engineer shall prepare the plans, including those that pertain to soil engineering, structural foundations, and installation. All</p>	<p>Prior to the issuance of a grading permit</p>	<p>City of Wildomar Public Works and Planning Departments</p>	

Mitigation Measure	Timing	Monitoring Responsibility	Verification (Date and Initials)
on-site soil engineering activities shall be conducted under the supervision of a licensed geotechnical engineer or certified engineering geologist.			
3.7 Greenhouse Gas Emissions – none required	N/A	N/A	N/A
3.8 Hazards and Hazardous Materials – none required	N/A	N/A	N/A
3.9 Hydrology and Water Quality – none required	N/A	N/A	N/A
3.10 Land Use and Planning – none required	N/A	N/A	N/A
3.11 Mineral Resources – none required	N/A	N/A	N/A
3.12 Noise			
<p>NOI-1 The applicant shall require by contract specifications that the following construction best management practices (BMPs) be implemented by contractors to reduce construction noise levels:</p> <p>a) Notification shall be mailed to owners and occupants of all developed land uses immediately bordering the project site, immediately across the Murrieta Creek Channel from the project site, and directly across the street from the project site providing a schedule for major construction activities that will occur for the duration of the construction period. In addition, the notification will include the identification of and contact number for a community liaison and a designated construction manager who would be available on-site to monitor construction activities. The construction manager will be located at the on-site construction office during construction hours for the duration of all construction activities. Contact information for the community liaison and the construction manager will be located at the construction office, City Hall, and the police department.</p>	Prior to any earth movement permit or activity	City of Wildomar Building and Planning Departments	

Mitigation Measure	Timing	Monitoring Responsibility	Verification (Date and Initials)
<ul style="list-style-type: none"> b) Site grading and excavation activity shall be limited to weekdays between 9:00 a.m. and 4:00 p.m., and no construction activities shall occur on Saturdays, Sundays, or federally recognized holidays. c) The construction contractor shall utilize grading and excavation equipment that is certified to generate noise levels of no more than 85 dBA at a distance of 50 feet. d) All construction equipment shall be properly maintained with operating mufflers and air intake silencers as effective as those installed by the original manufacturer. e) The construction contractor shall erect a temporary noise construction barrier along the southwestern, northwestern, and western perimeters of the project site. If a temporary construction barrier is deemed technically infeasible, the contractor shall construct a masonry wall along the southern and western perimeters of the project prior to any other phase of construction activity, including site grading. The applicant shall demonstrate that the temporary barrier achieves a noise reduction of at least 5 decibels during construction activities. f) The construction contractor shall evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets, for example, and implement such measures if such measures are feasible and would noticeably reduce noise impacts. g) The construction contractor shall monitor the effectiveness of noise attenuation measures by taking noise measurements. 			

Mitigation Measure	Timing	Monitoring Responsibility	Verification (Date and Initials)
3.13 Population and Housing – none required	N/A	N/A	N/A
3.14 Public Services – none required	N/A	N/A	N/A
3.15 Recreation – none required	N/A	N/A	N/A
3.16 Transportation/Traffic – none required	N/A	N/A	N/A
3.17 Utilities and Service Systems – none required	N/A	N/A	N/A

ATTACHMENT A – EXHIBIT 3

MND Responses to Comments

ATTACHMENT B

PC Resolution No. 2015-16

PC RESOLUTION NO. 2015-16

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA, RECOMMENDING CITY COUNCIL APPROVAL OF A CHANGE OF ZONE (PLANNING APPLICATION NO. 08-0154) FROM R-R (RURAL RESIDENTIAL) TO R-1 (ONE-FAMILY DWELLING) FOR A 4.16-ACRE SITE LOCATED AT THE TERMINUS OF ELM STREET BETWEEN GRUWELL STREET AND CENTRAL STREET (APN: 376-043-027).

WHEREAS, an application for Change of Zone No. 08-0154 from the current zoning designation of R-R (Rural Residential) to R-1 (One-Family Dwelling) to accommodate the development of 15 single family residential dwelling units on 4.16 acres located at the end of Elm Street between Central Street to the northeast and Gruwell Street to the southwest has been filed by:

Applicant/Owner:	Zareh Hookasian
Authorized Agent:	Rich Soltysiak, PE, RDS and Associates
Project Location:	End of Elm Street between Central Street to the northeast and Gruwell Street to the southwest
APN:	376-043-027
Lot Area:	4.16 acres

WHEREAS, the Planning Commission of the City of Wildomar, California, has the authority and has reviewed the proposed Change of Zone requested by the applicant, in accordance with California Government Code Sections 65853–65857 and the City of Wildomar Municipal Code, Title 17; and

WHEREAS, the proposed Change of Zone application is considered a “project” as defined by the California Environmental Quality Act, Public Resources Code Section 21000 et seq. (CEQA); and

WHEREAS, the Planning Director determined that the proposed project may have one or more significant effects on the environment and that preparation of an Initial Study/Mitigated Negative Declaration was therefore warranted under Public Resources Code Section 21080(c); and

WHEREAS, after completion of an Initial Study, the Planning Director determined that it did not identify any potentially significant effects on the environment, nor was there any substantial evidence from which it could be fairly argued that the project would have a significant effect on the environment. Therefore, staff has recommended to the Planning Commission adoption of a Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program for this project; and

WHEREAS, the proposed Mitigated Negative Declaration consists of the following documents: Initial Study, Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program, and applicable technical appendices; and

WHEREAS, on July 9, 2014, using a method required under CEQA Guidelines Section 15072, the City provided a Notice of Intent (NOI) to the Riverside County Clerk, the Press Enterprise, a local newspaper of general circulation, and the City's local distribution list regarding the adoption of a proposed Initial Study/Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program for the project; and

WHEREAS, on July 9, 2014, the draft Initial Study/Mitigated Negative Declaration were made available for public review for a period of not less than 30 days commencing on July 9, 2014, and concluding on August 7, 2014, as required by CEQA Guidelines Section 15087. Said document was posted in two public places for review at the following locations: Wildomar City Hall and the City of Wildomar website; and

WHEREAS, during the 30-day public review period, the City received three (3) written comment concerning the proposed Initial Study/Mitigated Negative Declaration, at which time the Planning Department decided to revise the draft Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program and recirculate the document in accordance with CEQA; and

WHEREAS, on March 25, 2015, using a method required under CEQA Guidelines Section 15072, the City provided a Notice of Intent (NOI) to the Riverside County Clerk, the State Clearinghouse, the Press Enterprise, a local newspaper of general circulation, and the City's local distribution list regarding the adoption of a proposed Initial Study/Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program for the project; and

WHEREAS, on March 25, 2015, the revised/updated draft Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program were made available for public review for a period of not less than 30 days commencing on March 25, 2015, and concluding on April 23, 2015, as required by CEQA Guidelines Section 15087. Said document was posted in two public places for review at the following locations: Wildomar City Hall and the City of Wildomar website; and

WHEREAS, during the 30-day public review period, the City received six (6) written comments concerning the revised/updated Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program; and

WHEREAS, in accordance with Wildomar Municipal Code sections 16.12.140(A) and 17.280.040, the City of Wildomar Planning Department, on August 5, 2015 mailed a public hearing notice to all property owners within a 600-foot radius of the project boundaries notifying said property owners of the date and time of the August 19, 2015 public hearing for which Change of Zone No. 08-0154 would be considered by the Planning Commission; and

WHEREAS, in accordance with Wildomar Municipal Code sections 16.12.140(A) and 17.280.040, the City of Wildomar Planning Department, on August 7, 2015 published a legal notice in the Press Enterprise, a local newspaper of general circulation, in compliance with state law notifying the general public of the August 19, 2015 public hearing for which Change of Zone No. 08-0154 would be considered by the Planning Commission; and

WHEREAS, in accordance with Wildomar Municipal Code sections 16.12.140 and 17.280.040, the City of Wildomar Planning Commission on August 19, 2015 held said public hearing, at which time the Planning Commission received public testimony from interested persons in support of, or opposition to, the proposed Change of Zone No. 08-0154.

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

SECTION 1. CEQA FINDINGS

The Planning Commission recommends that the City Council find that the approval of Change of Zone No. 08-0154 is in compliance with requirements of the California Environmental Quality Act, in that on August 19, 2015 at a duly noticed public hearing, the Planning Commission recommended to the City Council adoption of the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program 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 Road, Suite 201, Wildomar, CA 92595.

SECTION 2. ZONE CHANGE FINDINGS

In accordance with California Government Code Sections 65853–65857 and Wildomar Zoning Ordinance Section 17.280, 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, recommends that the City Council find and determine as follows:

- A. Finding: The proposed Change of Zone is in conformance with the adopted General Plan for the City of Wildomar.

Evidence: Staff has evaluated the proposed Change of Zone from the current zoning of R-R (Rural Residential) to R-1 (One-Family Dwelling) to determine consistency with the General Plan. The site has a General Plan land use designation of Medium Density Residential (MDR), which allows between two and five detached single-family residences per acre on lots ranging from 5,500 to 20,000 square feet in size. The R-1 zone allows single-family dwellings on lot areas not less than 7,200 square feet.

In reviewing the applicant's Change of Zone request and development proposal, the project density is proposed at 3.6 units per acre with lot sizes ranging from 8,142 to 12,007 square feet, which falls within the permitted density range and lot sizes and thus is consistent with the General Plan. The project is also consistent with the City's Municipal Code development standards in Section 17.24.020 (R-1 zone).

SECTION 3. PLANNING COMMISSION ACTION

The Planning Commission, based on the findings above, hereby adopts PC Resolution No. 2015-16 recommending City Council adoption of an Ordinance, attached hereto and incorporated herein by reference as Exhibit 1, approving Change of Zone No. 08-0154 from the current zoning of R-R (Rural Residential) to R-1 (One-Family Dwelling) for the proposed project site (APN: 376-043-027).

PASSED, APPROVED AND ADOPTED this 19th day of August, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Veronica Langworthy
Planning Commission Chair

ATTEST:

Matthew C. Bassi
Planning Director/Minutes Secretary

APPROVED AS TO FORM:

Erica L. Vega, Assistant City Attorney

EXHIBIT 1
of ATTACHMENT B

**Draft City Council Ordinance for
Change of Zone No. 08-0154**

DRAFT ORDINANCE NO. _____

AN ORDINANCE OF CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, APPROVING A CHANGE OF ZONE (PLANNING APPLICATION NO. 08-0154) FROM R-R (RURAL RESIDENTIAL) TO R-1 (ONE-FAMILY DWELLING) FOR A 4.16-ACRE SITE LOCATED AT THE END OF ELM STREET BETWEEN CENTRAL STREET TO THE NORTHEAST AND GRUWELL STREET TO THE SOUTHWEST, WITH THE MURRIETA CREEK CHANNEL DRAINAGE COURSE TO THE NORTHEAST. THE ASSESSOR'S PARCEL NUMBER (APN) FOR THE PROJECT SITE IS 376-043-027.

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 _____, 2015, at a duly noticed public hearing, the City Council adopted a Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program for Change of Zone No. 08-0154 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 Road, Suite 201, Wildomar, CA 92595.

SECTION 2. Change of Zone Findings

In accordance with California Government Code Sections 65853–65857 and Wildomar Zoning Ordinance Section 17.280, the City Council hereby makes the following finding for proposed Change of Zone No. 08-0154.

- A. The proposed Change of Zone is in conformance with the adopted General Plan for the City of Wildomar.

Staff has evaluated the proposed change of zone from the current zoning of R-R (Rural Residential) to R-1 (One-Family Dwelling) to determine consistency with the General Plan. The site has a General Plan land use designation of Medium Density Residential (MDR), which allows between two and five detached single-family residences per acre on lots ranging from 5,500 to 20,000 square feet in size. The R-1 zone allows single-family dwellings on lot areas not less than 7,200 square feet.

In reviewing the applicant's Change of Zone request and development proposal, the project density is proposed at 3.6 units per acre with lot sizes ranging from 8,142 to 12,007 square feet, which falls within the permitted density range and lot sizes and thus is consistent with the general plan. The project is also consistent with the City of Wildomar's Municipal development standards outlined in Section

17.24.020 (R-1 zone). As discussed above, the project is consistent with the City of Wildomar's General Plan and the City's R-1 zoning standards.

SECTION 3: Amendment to the Zoning Map

The City Council, based on the findings above, hereby approves a change to the City of Wildomar Zoning Map for Change of Zone No. 08-0154 from the current zoning designation of R-R (Rural Residential) to R-1 (One-Family Dwelling), as described herein and illustrated below.

Legal Description

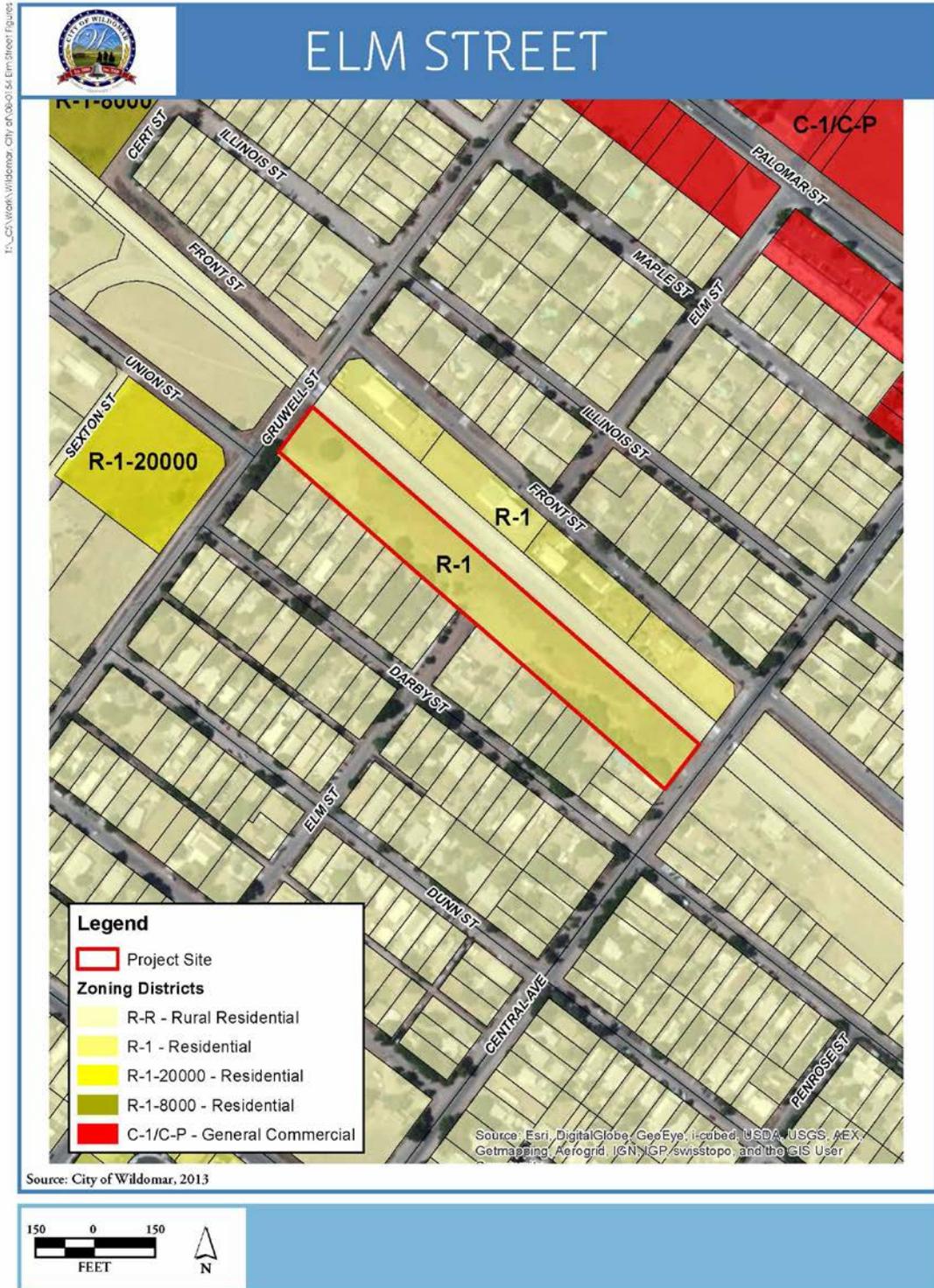
APN: 376-043-027

All of Block 17, being in the town of Wildomar, County of Riverside, State of California. According to Map on file in Book 6, Page 294 of Maps, Records of San Diego County, California.

Together with any right, title, and interest in the streets and alleys adjoining same, and in that portion of the abandoned 100-foot right-of-way of the Atchison Topeka and Santa Fe Railroad Company, lying between the center line of Gruwell Street and the center line of Penrose Avenue, all said property being in the town of Wildomar, according to map on file in Book 6 page 294 of Maps, Records of San Diego County, California.

Excepting therefrom parcel map no. 7070-18 as shown on record of survey recorded November 5, 1981, in Book 68 page 26 through 31 of records of survey, records of Riverside County, California, as set forth in final order of condemnation recorded March 6, 1986, as instrument no. 76518 of official Records of Riverside County, California.

Figure 1 – Proposed Zoning



SECTION 4. 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 5. 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 6. City Clerk Action

The City Clerk is authorized and directed to cause this Ordinance to be published within fifteen (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:

ATTEST:

Thomas D. Jex,
City Attorney

Debbie A. Lee, CMC
City Clerk

ATTACHMENT C

**PC Resolution No. 2015-17
Tentative Tract Map No. 33840**

PC RESOLUTION NO. 2015-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA, RECOMMENDING CITY COUNCIL APPROVAL OF TENTATIVE TRACT MAP NO. 33840 (PLANNING APPLICATION NO. 08-0154) FOR THE SUBDIVISION OF APPROXIMATELY 4.16 ACRES INTO 15 PARCELS, SUBJECT TO CONDITIONS, LOCATED AT THE TERMINUS OF ELM STREET BETWEEN GRUWELL STREET AND CENTRAL STREET (APN: 376-043-027).

WHEREAS, an application for Tentative Tract Map No. 33840 (Planning Application No. 08-0154) to subdivide 4.16 acres into 15 single-family residential lots, including a private park has been filed by:

Applicant/Owner:	Zareh Hookasian
Authorized Agent:	Rich Soltysiak, PE, RDS and Associates
Project Location:	End of Elm Street between Central Street to the northeast and Gruwell Street to the southwest
APN:	376-043-027
Lot Area:	4.16 acres

WHEREAS, in accordance with California Government Code Sections 66452–66452.22 (Subdivision Map Act), the City of Wildomar Subdivision Ordinance (Title 16), and the City of Wildomar Zoning Ordinance (Title 17), the Planning Commission of the City of Wildomar, California, has the authority and has reviewed proposed Tentative Tract Map No. 33840 for the Elm Street Project; and

WHEREAS, in accordance with Government Code Section 66452.3, the City has provided the applicant with a copy of the Planning Department staff report and resolutions for Tentative Tract Map No. 33840 containing staff’s recommendation to the Planning Commission at least three (3) days prior to the below-referenced noticed public hearing; and

WHEREAS, proposed Tentative Tract Map No. 33840 for the Elm Street Project is considered a “project” as defined by the California Environmental Quality Act, Public Resources Code Section 21000 et seq. (CEQA); and

WHEREAS, the Planning Director determined that the proposed project may have one or more significant effects on the environment and that preparation of an Initial Study/Mitigated Negative Declaration was therefore warranted under Public Resources Code Section 21080(c); and

WHEREAS, after completion of an Initial Study, the Planning Director determined that it did not identify any potentially significant effects on the environment nor was there any substantial evidence from which it could be fairly argued that the project would have

a significant effect on the environment. Therefore, staff has recommended to the Planning Commission adoption of a Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program for this project; and

WHEREAS, the proposed Mitigated Negative Declaration consists of the following documents: Initial Study/Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program, and applicable technical appendices; and

WHEREAS, on July 9, 2014, using a method required under CEQA Guidelines Section 15072, the City provided a Notice of Intent (NOI) to the Riverside County Clerk, the Press Enterprise, a local newspaper of general circulation, and the City 's local distribution list regarding the adoption of a proposed Initial Study/Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program for the project; and

WHEREAS, on July 9, 2014, the draft Initial Study/Mitigated Negative Declaration were made available for public review for a period of not less than 30 days commencing on July 9, 2014, and concluding on August 7, 2014, as required by CEQA Guidelines Section 15087. Said document was posted in two public places for review at the following locations: Wildomar City Hall and the City of Wildomar website; and

WHEREAS, during the 30-day public review period, the City received three (3) written comment concerning the proposed Initial Study/Mitigated Negative Declaration, at which time the Planning Department decided to revise the draft Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program and recirculate the document in accordance with CEQA; and

WHEREAS, on March 25, 2015, using a method required under CEQA Guidelines Section 15072, the City provided a Notice of Intent (NOI) to the Riverside County Clerk, the State Clearinghouse, the Press Enterprise, a local newspaper of general circulation, and the City's local distribution list regarding the adoption of a proposed Initial Study/Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program for the project; and

WHEREAS, on March 25, 2015, the revised/updated draft Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program were made available for public review for a period of not less than 30 days commencing on March 25, 2015, and concluding on April 23, 2015, as required by CEQA Guidelines Section 15087. Said document was posted in two public places for review at the following locations: Wildomar City Hall and the City of Wildomar website; and

WHEREAS, during the 30-day public review period, the City received six written comments concerning the revised/updated Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program; and

WHEREAS, in accordance with Wildomar Municipal Code Sections 16.12.140(A) and 17.280.040, the City of Wildomar Planning Department, on August 5, 2015 mailed a

public hearing notice to all property owners within a 600-foot radius of the project boundaries notifying said property owners of the date and time of the August 19, 2015 public hearing for which Tentative Tract Map No. 33840 would be considered by the Planning Commission; and

WHEREAS, in accordance with Wildomar Municipal Code Sections 16.12.140(A) and 17.280.040, the City of Wildomar Planning Department, on August 7, 2015 published a legal notice in the Press Enterprise, a local newspaper of general circulation, in compliance with state law notifying the general public of the August 19, 2015 public hearing for which Tentative Tract Map No. 33840 would be considered by the Planning Commission; and

WHEREAS, in accordance with Wildomar Municipal Code Sections 16.12.140(A) and 17.280.040, the City of Wildomar Planning Commission on August 19, 2015 held said public hearing, at which time the Planning Commission received public testimony from interested persons in support of, or opposition to, proposed Tentative Tract Map No. 33840.

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

SECTION 1. CEQA FINDINGS

The Planning Commission recommends the City Council find the approval of Tentative Tract Map No. 33840 is in compliance with requirements of the California Environmental Quality Act, in that on August 19, 2015, at a duly noticed public hearing, the Planning Commission recommended City Council adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program 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 Road, Suite 201, Wildomar, CA 92595.

SECTION 2. TENTATIVE TRACT MAP FINDINGS

The Planning Commission, in light of the whole record before it including but not limited to the staff report, Initial Study/Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program, Response to Comments, and documents incorporated herein by reference, and other substantial evidence (within the meaning of Public Resources Code Sections 21080(e) and 21082.2) within the record and/or provided at the public hearing, recommends that the City Council find and determine as follows:

- A. Finding: The proposed tract map is consistent with the City's General Plan and any applicable specific plan as specified in Government Code Section 65451.

Evidence: The applicant is proposing a Tentative Tract Map (TTM No. 33840) to subdivide 4.16 acres into 15 lots, which will accommodate the development of 15

single-family residential dwelling units. Staff has evaluated the proposed Change of Zone from the current zoning of R-R (Rural Residential) to R-1 (One-Family Dwelling) to determine consistency with the General Plan. The site has a General Plan land use designation of Medium Density Residential (MDR), which allows between two and five detached single-family residences per acre on lots ranging from 5,500 to 20,000 square feet in size. The R-1 zone allows single-family dwellings on lot areas not less than 7,200 square feet. In review of the proposed tract map, the project density is proposed at 3.6 units per acre with lot sizes ranging from 8,142 to 12,007 square feet, which falls within the permitted density range and lot sizes and thus is consistent with the General Plan.

There is no specific plan governing this project. In terms of specific land use policies related to this project, the proposed tract map promotes (and is consistent with) the following residential land use policies:

LU 3.1 (Community Design) – “Accommodate land use development in accordance with the patterns and distribution of uses and density depicted on the General Plan Land Use map.”

LU 6.1 (Land Use Compatibility) – “Require land uses to develop in accordance with the General Plan and area plans to ensure compatibility and minimize impacts.”

LU 12.6 (Circulation) – “Require that adequate and accessible circulation facilities exist to meet the demands of a proposed land use.”

LU 22.1 (Community Development) – “Accommodate the development of single and multi family residential units in areas appropriately designated by the General Plan and area plan land use maps.”

LU 22.3 (Community Development) – “Require that adequate and available circulation facilities, water resources and sewer facilities exist to meet the demands of the proposed residential land use.”

- B. Finding: The design or improvement of the proposed subdivision is consistent with the City’s General Plan and any applicable specific plan.

Evidence: The proposed subdivision has been designed to meet all City standards applicable to residential subdivisions, which are designed to provide satisfactory pedestrian and vehicular circulation, including emergency vehicle access and on-and off-site public improvements. Further, all streets, utilities, and drainage facilities have been designed and are required to be constructed in conformance with City standards. There is no specific plan governing this project.

- C. Finding: The site is physically suitable for the type and proposed density of development.

Evidence: The project site encompasses 4.16 acres. The Tentative Tract Map proposes to subdivide the project area into 15 lots for single-family residential development. The density allowed by the MDR designation allows between two and five detached single-family residences per acre on lots ranging from 5,500 to 20,000 square feet in size. The R-1 zone allows single-family dwellings on lot areas not less than 7,200 square feet. In review of the proposed tract map, the project density is proposed at 3.6 units per acre with lot sizes ranging from 8,142 to 12,007 square feet, which falls within the permitted density range and lot sizes and thus is consistent with the General Plan. Therefore, the proposed tract map is physically suitable for the type and proposed density of development.

- D. Finding: The design of the subdivision or proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Evidence: The City prepared an Initial Study that resulted in the preparation, processing, and review of an Initial Study/Mitigated Negative Declaration for Tentative Tract Map No. 33840. The IS/MND analyzed the environmental issues required by CEQA related to fish and wildlife, including their respective habitats. The IS/MND was circulated for public review and made available for a 30-day public review period in accordance with CEQA. Thus, it has been determined that the design of the subdivision and proposed improvements will not likely cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat with implementation of the proposed mitigation measures as outlined in the IS/MND and the Mitigation Monitoring and Report Program (MMRP). Therefore, the proposed tract map meets this finding.

- E. Finding: The design of the subdivision or type of improvements is not likely to cause serious public health problems.

Evidence: The design of the subdivision is in conformance with the City's General Plan, Zoning Code, and Subdivision Ordinance. The design and construction of all improvements to accommodate the project have been conditioned in accordance with all applicable City of Wildomar ordinances, codes, and standards including but not limited to the California Uniform Building Code, the City's ordinances relating to stormwater runoff management, and adopted public works standards. As the City's ordinances, codes, and standards have been created based on currently accepted standards and practices for the preservation of the public health, safety, and welfare, the proposed tract map meets this finding.

- F. Finding: The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Evidence: The project contains an abandonment of unknown alleys and reservation of easement for existing utilities, a vacation of an unnamed alley and reserving and excepting an easement for any public utilities, and an easement for a water pipeline to the Elsinore Valley Municipal Water District. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

SECTION 4. PLANNING COMMISSION ACTION

The Planning Commission hereby adopts PC Resolution No. 2015-17 recommending City Council approval of Tentative Tract Map No. 33840 (Planning Application No. 08-0154), subject to conditions, as provided herein and attached hereto as Exhibit 1.

PASSED, APPROVED AND ADOPTED this 19th day of August, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Veronica Langworthy
Planning Commission Chair

ATTEST:

Matthew C. Bassi
Planning Director/Minutes Secretary

APPROVED AS TO FORM:

Erica L. Vega, Assistant City Attorney

**ATTACHMENT D – EXHIBIT 1
ELM STREET PROJECT – CONDITIONS OF APPROVAL**

Project No.: Change of Zone & TTM No. 33840 (Planning Application No. 08-0154)

APN: 376-043-027

<u>Tentative Tract Map Approval Date (City Council):</u>	<u>Tentative Tract Map Expiration Date</u>		
September 9, 2015	September 9, 2018		
<u>Conditions of Approval</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (Date and Signature)</u>

PLANNING DEPARTMENT CONDITIONS

Standard / 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 Wildlife (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 <u>\$2,260.00</u> . 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 shall be provided to the Planning Department no later than <u>September 9, 2015</u> and is broken down as follows: <ul style="list-style-type: none"> a. California Department of Fish and Wildlife = \$2,210.00 b. Riverside County Clerk Administrative Fee = \$50.00 	Sept. 9, 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 two weeks of the City Council approval.	Sept. 23, 2015	Planning Department	

	Applicant Signature	Date		

**ATTACHMENT D – EXHIBIT 1
ELM STREET PROJECT – CONDITIONS OF APPROVAL**

Project No.: Change of Zone & TTM No. 33840 (Planning Application No. 08-0154)

APN: 376-043-027

<u>Tentative Tract Map Approval Date (City Council):</u>	<u>Tentative Tract Map Expiration Date</u>		
September 9, 2015	September 9, 2018		
<u>Conditions of Approval</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (Date and Signature)</u>

3.	<p>The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, law suits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively “Actions”), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the any action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the 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</p>	Ongoing	Planning Department	
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**ATTACHMENT D – EXHIBIT 1
ELM STREET PROJECT – CONDITIONS OF APPROVAL**

Project No.: Change of Zone & TTM No. 33840 (Planning Application No. 08-0154)

APN: 376-043-027

<u>Tentative Tract Map Approval Date (City Council):</u>	<u>Tentative Tract Map Expiration Date</u>		
September 9, 2015	September 9, 2018		
<u>Conditions of Approval</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (Date and Signature)</u>

	and applicant agrees to timely payment within thirty (30) days of receipt of the invoice. Within fourteen (14) days of an Action being 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.	Approval of Tentative Tract Map No. 33840 shall expire on September 9, 2018 (3 years after approval by the City Council) if the tract map has not been recorded. The applicant may submit a request for a one-year Extension of Time (EOT) with the Planning Department as permitted by the Wildomar Subdivision Ordinance provided the written request is made 60 days prior to the expiration date and accompanied by the required EOT application and fee.	Sept. 9, 2018	Planning Department	
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 to the Applicant that the 90-day appeal hereby begins with approval of this project.	December 9, 2015	Planning Department	
6.	Within 60 days of approval of Tentative Tract Map No. 33840 by the City Council, the applicant shall pay any outstanding deposit account balances. Failure to pay the outstanding balance by the due date will result in delays in the processing of the final tract map & improvement plans.	November 9, 2015	Planning Department	

**ATTACHMENT D – EXHIBIT 1
ELM STREET PROJECT – CONDITIONS OF APPROVAL**

Project No.: Change of Zone & TTM No. 33840 (Planning Application No. 08-0154)

APN: 376-043-027

<u>Tentative Tract Map Approval Date (City Council):</u>	<u>Tentative Tract Map Expiration Date</u>		
September 9, 2015	September 9, 2018		
<u>Conditions of Approval</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (Date and Signature)</u>

7.	Tentative Tract Map No. 33840 shall not become effective until 30 days after the second reading of proposed Change of Zone No. 08-0154 by the City Council. No recordation of the final map shall occur until after this date.	November 14, 2015		
8.	The project shall be subdivided and developed in accordance with the Tentative Tract Map approved by the City Council on September 9, 2015. The applicant may request a modification/revision to the approved project as outlined in Sections 16.12.210 and 16.12.220 of the Wildomar Subdivision Ordinance.	Ongoing	Planning Department	

CEQA IS/MND Mitigation Measures

9.	<u>BIO-1</u> All developers of the proposed project site shall conduct construction and clearing activities outside of the avian nesting season (January 15–August 31), where feasible. If clearing and/or construction activities occur during the nesting season, preconstruction surveys for nesting raptors, migratory birds, and special-status resident birds (e.g., coastal California gnatcatcher) shall be conducted by a qualified biologist, up to 14 days before initiation of construction activities. The qualified biologist shall survey the construction zone and a 250-foot radius surrounding the construction zone to determine whether the activities may have the potential to disturb or otherwise harm nesting birds. If an active nest is located within 100 feet (250 feet for raptors) of construction activities, the project applicant shall establish an exclusion zone (no ingress of personnel or equipment at a minimum radius of 100 feet or 250 feet, as appropriate, around the nest). Alternative exclusion zones may be established through consultation with the CDFW and the USFWS, as	The project applicant shall incorporate requirements into all rough and/or precise grading plan documents. The project applicant's construction inspector shall monitor to ensure that measures are implemented during construction.	City of Wildomar Planning and Public Works Departments	
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**ATTACHMENT D – EXHIBIT 1
ELM STREET PROJECT – CONDITIONS OF APPROVAL**

Project No.: Change of Zone & TTM No. 33840 (Planning Application No. 08-0154)

APN: 376-043-027

<u>Tentative Tract Map Approval Date (City Council):</u>	<u>Tentative Tract Map Expiration Date</u>		
September 9, 2015	September 9, 2018		
<u>Conditions of Approval</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (Date and Signature)</u>

	necessary. The exclusion zones shall remain in force until all young have fledged. Reference to this requirement and to the Migratory Bird Treaty Act shall be included in the construction specifications. If construction activities or tree removal are proposed to occur during the non-breeding season (September 1–January 14), a survey is not required, no further studies are necessary, and no mitigation is required.			
10.	BIO-2 Per MSHCP Species-Specific Objective 6, reconstruction presence/absence surveys for burrowing owl within the survey area, where suitable habitat is present, will be conducted for all covered activities through the life of the building permit. Surveys will be conducted 30 days prior to disturbance. Take of active nests will be avoided. Passive relocation (use of one-way doors and collapse of burrows) will occur when owls are present outside the nesting season. If construction is delayed or suspended for more than 30 days after the survey, the area shall be resurveyed. Surveys shall be completed for occupied burrowing owl burrows within all construction areas and within 150 meters (500 feet) of the project work areas (where possible and appropriate based on habitat). All occupied burrows will be mapped on an aerial photo.	Thirty days prior to any vegetation removal or ground-disturbing activities	City of Wildomar Planning and Public Works Departments	
11.	BIO-3 If burrowing owls are identified during the survey period, the City shall require the project applicant to take the following actions to offset impacts prior to ground disturbance: Active nests within the areas scheduled for disturbance or degradation shall be avoided from February 1 through August 31, and a minimum 75-meter (250-foot) buffer shall be provided until fledging has occurred. Following fledging, owls may be passively relocated (use of oneway doors and collapse of	Prior to any vegetation removal or ground-disturbing activities	City of Wildomar Planning and Public Works Departments	

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ELM STREET PROJECT – CONDITIONS OF APPROVAL**

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<p>burrows) by a qualified biologist. If impacts on occupied burrows in the non-nesting period are unavoidable, on-site passive relocation techniques may be used if approved by the CDFW to encourage owls to move to alternative burrows outside of the impact area. However, no occupied burrows shall be disturbed during the nesting season. A qualified biologist must verify through noninvasive methods that the burrow is no longer occupied. If relocation of the owls is approved for the site by the CDFW, the City shall require the developer to hire a qualified biologist to prepare a plan for relocating the owls to a suitable site. The relocation plan must include all of the following:</p> <ul style="list-style-type: none"> • The location of the nest and owls proposed for relocation. • The location of the proposed relocation site. • The number of owls involved and the time of year when the relocation is proposed to take place. • The name and credentials of the biologist who will be retained to supervise the relocation. • The proposed method of capture and transport for the owls to the new site. • A description of site preparation at the relocation site (e.g., enhancement of existing burrows, creation of artificial burrows, one-time or long-term vegetation control). • A description of efforts and funding support proposed to monitor the relocation. <p>If paired owls are present within 50 meters (160 feet) of a temporary project disturbance (e.g., parking areas), active burrows shall be protected with fencing/cones/flagging and monitored by a qualified</p>			
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ELM STREET PROJECT – CONDITIONS OF APPROVAL**

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	biologist throughout construction to identify losses from nest abandonment and/or loss of reproductive effort. Any identified loss shall be reported to the CDFW.			
12.	<u>CUL-1</u> 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 Pechanga Tribe (Tribe). Any unanticipated cultural resources that are discovered shall be evaluated in the 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 CUL-2.	As a condition of future development approval, and implemented during ground-disturbing construction activities	City of Wildomar Building & Safety and Planning Departments	
13.	<u>CUL-2</u> At least 30 days prior to seeking a grading permit, the project applicant(s) shall contact the Pechanga 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	Prior to the issuance of a grading permit	City of Wildomar Public Works and Planning Departments	

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ELM STREET PROJECT – CONDITIONS OF APPROVAL**

Project No.: Change of Zone & TTM No. 33840 (Planning Application No. 08-0154)

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	for the monitors; 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 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.			
14.	<u>CUL-3</u> If human remains are encountered, California Health and Safety Code Section 7050.5 requires that no further disturbance 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 24 hours. 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.	As a condition of project approval, and implemented during ground-disturbing construction	City of Wildomar Public Works and Planning Departments	
15.	<u>CUL-4</u> 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 CUL-2, that are collected during the grading monitoring program and from any previous archeological studies or	As a condition of project approval, and implemented during ground-disturbing	City of Wildomar Public Works and Planning Departments	

**ATTACHMENT D – EXHIBIT 1
ELM STREET PROJECT – CONDITIONS OF APPROVAL**

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	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.	construction activities		
16.	<u>CUL-5</u> 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.	As a condition of project approval, and implemented during ground-disturbing construction activities	City of Wildomar Public Works and Planning Departments	
17.	<u>CUL-6</u> If inadvertent discoveries of subsurface archaeological resources are discovered during grading, work shall be halted 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	As a condition of future development approval, and implemented during ground-disturbing construction activities	City of Wildomar Public Works and Planning Departments	

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ELM STREET PROJECT – CONDITIONS OF APPROVAL**

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	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.			
18.	<p><u>CUL-7</u> 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).</p> <p>However, monitoring may be discontinued as soon the qualified professional is satisfied that construction will not disturb cultural and/or paleontological archaeological resources. A final mitigation monitoring report shall be prepared by the archaeologist documenting any resources found, their treatment, ultimate disposition, new or updated site records and any other pertinent information associated with the project. Final copies of the report will be submitted to the City of Wildomar, the developer, the Eastern Information Center, and the Pechanga Tribe.</p>	As a condition of future development approval, and implemented during ground-disturbing construction activities	City of Wildomar Engineering and Planning Departments	
19.	<p><u>GEO-1</u> Prior to the construction of any home on the proposed project site, the soils below the building areas and for a horizontal distance beyond the building areas at least equal to the depth of over-excitation below the final ground surface or 5 feet, whichever distance is greater, should be over-excavated to a depth of at least 5 feet below the final ground surface, whichever is deeper. Should competent natural soil be encountered before a depth of 5 feet is reached, the over-excavation can be terminated at that depth as long</p>	Prior to the issuance of a grading permit	City of Wildomar Public Works and Planning Departments	

**ATTACHMENT D – EXHIBIT 1
ELM STREET PROJECT – CONDITIONS OF APPROVAL**

Project No.: Change of Zone & TTM No. 33840 (Planning Application No. 08-0154)

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	as there is at least 24 inches of compacted fill below all footings. Competent natural soil is defined as undisturbed material exhibiting a relative compaction of at least 85 percent (ASTM D 1557).			
20.	<u>GEO-2</u> The project applicant shall incorporate the recommendations of the Soils Investigation conducted by John R. Byerly, Inc., (2013; Appendix 6) into project plans. The project’s building plans shall demonstrate that they incorporate all applicable recommendations of the soils investigation and comply with all applicable requirements of the latest adopted version of the California Building Code. A licensed professional engineer shall prepare the plans, including those that pertain to soil engineering, structural foundations, and installation. All on-site soil engineering activities shall be conducted under the supervision of a licensed geotechnical engineer or certified engineering geologist.	Prior to the issuance of a grading permit	City of Wildomar Public Works and Planning Departments	
21.	<u>NOI-1</u> The applicant shall require by contract specifications that the following construction best management practices (BMPs) be implemented by contractors to reduce construction noise levels: a) Notification shall be mailed to owners and occupants of all developed land uses immediately bordering the project site, immediately across the Murrieta Creek Channel from the project site, and directly across the street from the project site providing a schedule for major construction activities that will occur for the duration of the construction period. In addition, the notification will include the identification of and contact number for a community liaison and a designated construction manager who would be available on-site to monitor construction activities. The construction manager will be located at the on-site construction office during	Prior to any earth movement permit or activity	City of Wildomar Building and Planning Departments	

**ATTACHMENT D – EXHIBIT 1
ELM STREET PROJECT – CONDITIONS OF APPROVAL**

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<p>construction hours for the duration of all construction activities. Contact information for the community liaison and the construction manager will be located at the construction office, City Hall, and the police department.</p> <p>b) Site grading and excavation activity shall be limited to weekdays between 9:00 a.m. and 4:00 p.m., and no construction activities shall occur on Saturdays, Sundays, or federally recognized holidays.</p> <p>c) The construction contractor shall utilize grading and excavation equipment that is certified to generate noise levels of no more than 85 dBA at a distance of 50 feet.</p> <p>d) All construction equipment shall be properly maintained with operating mufflers and air intake silencers as effective as those installed by the original manufacturer.</p> <p>e) The construction contractor shall erect a temporary noise construction barrier along the southwestern, northwestern, and western perimeters of the project site. If a temporary construction barrier is deemed technically infeasible, the contractor shall construct a masonry wall along the southern and western perimeters of the project prior to any other phase of construction activity, including site grading. The applicant shall demonstrate that the temporary barrier achieves a noise reduction of at least 5 decibels during construction activities.</p> <p>f) The construction contractor shall evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets, for example, and implement such measures if such measures are feasible and would noticeably reduce noise impacts.</p>			
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ELM STREET PROJECT – CONDITIONS OF APPROVAL**

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	g) The construction contractor shall monitor the effectiveness of noise attenuation measures by taking noise measurements.			
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Prior to Final Map Approval / Recordation of the Final Map

22.	Prior to approval of the final tract map for TTM No. 33840, a copy of the proposed Covenants, Conditions, and Restrictions (CC&Rs) shall be submitted to the Planning Director and City Attorney for review and approval. The CC&Rs shall include liability insurance and methods of maintaining landscaping, parking areas, private roads, exterior of all buildings (if applicable), and all landscaped and open areas including parkways, as well as a provisions indicating that the homeowners association may not be terminated or dissolved without the permission of the City. The CC&Rs shall be in the form and content approved by the Planning Director and City Attorney and shall include such provisions as are required by this approval and as said officials deem necessary to protect the interests of the City and its residents.	Prior to Final Map Approval	Planning Department	
23.	Prior to recordation of the final tract map, all Riverside County Fire Department conditions shall be complied with. The applicant shall provide written verification that all applicable conditions have been met.	Prior to Recordation of Final Map	Planning Department	

Prior to Issuance of Building Permits

24.	Prior to the development of any homes within the boundaries of Tentative tract Map No. 33840, the applicant shall submit a Final Site Plan of Development (FSPOD) for review and approval by the Planning Department. As proposed by the Applicant, Tentative Tract Map No. 33840 shall only include one-story single family residential	Prior to Issuance of a Building Permit	Planning Department.	
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ELM STREET PROJECT – CONDITIONS OF APPROVAL**

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<p>dwelling. The FSPOD shall be accompanied by the applicable application and processing review fee and include all the required information including 2 sets of detailed landscape and irrigation plans (which shall be designed to meet all requirements of Section 17.276 - Water Efficient Landscapes, and any future water conservation measures adopted by the City prior to development of the site). Further, the FSPOD landscaping plans shall be prohibited from using front yard turf and shall be required to utilize drought-tolerant landscaping and drip irrigation in accordance with city requirements.</p>			
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PUBLIC WORKS/ENGINEERING/BUILDING DEPARTMENT CONDITIONS

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	Engineering Dept.	
2.	No grading shall be performed without the prior issuance of a grading permit by the City.	On-Going	Engineering Dept.	
3.	Written permission shall be obtained from the affected property owners allowing the proposed grading and/or facilities to be installed outside of the project boundaries.	On-Going	Engineering Dept.	
4.	The developer/owner or contractor shall apply for an Encroachment Permit for work performed within the public right of way. Compliance with current environmental regulations applies and additional studies and/or permits may be required.	On-Going	Public Works	

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ELM STREET PROJECT – CONDITIONS OF APPROVAL**

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5.	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.	On-Going	Public Works	
6.	Storm water and non-storm water discharges from the project site shall be mitigated in conformance with the applicable Regional Water Quality Control Board permit(s) and/or site specific SWPPP prior to entering into the MS4s.	On-Going	Engineering Dept.	
7.	The developer / applicant shall provide all tenants / employees / homeowners with educational materials regarding Best Management Practices for Stormwater Pollution Prevention. Educational materials are available on the Riverside County Flood Control and Water Conservation District's website. .	On-Going	Engineering Dept.	
8.	The developer/owner/tenant shall comply with all applicable laws and regulations regarding the proper disposal of waste materials generated from the construction of the development.	On-Going	Engineering Dept.	
9.	The Developer shall dedicate, design and construct all improvements in accordance the City of Wildomar Road Improvement Standards & Specification, Improvement Plan Check Policies and Guidelines, as further conditioned herein and to the satisfaction of the City Engineer.	On-Going	Engineering Dept.	
10.	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	Engineering Dept.	
11.	All grading shall conform to the California Building Code, including Appendix J, and all other relevant laws, rules, and regulations	On-Going	Engineering Dept.	

**ATTACHMENT D – EXHIBIT 1
ELM STREET PROJECT – CONDITIONS OF APPROVAL**

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	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 Department.			
12.	All necessary measures to control dust shall be implemented by the developer during grading shall comply with SCAQMD fugitive dust rules and regulations and to the satisfaction of the City Engineer.	On-Going	Engineering 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.	On-Going	Engineering Dept.	
14.	Grading in excess of 199 cubic yards will require performance security to be posted with the City.	On-Going	Engineering Dept.	
15.	All retaining walls shall require a separate permit from the Building Department.	On-Going ALL PHASES	Building Dept.	
16.	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. The soils engineer shall review the erosion control plans for conformance with the Geotechnical Report's Findings and Recommendations. Erosion control shall be placed 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 soil stabilizers and 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 and Planning Director.	On-Going	Engineering Dept. Planning Dept.	ALL PHASES

**ATTACHMENT D – EXHIBIT 1
ELM STREET PROJECT – CONDITIONS OF APPROVAL**

Project No.: Change of Zone & TTM No. 33840 (Planning Application No. 08-0154)

APN: 376-043-027

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17.	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 or covered under the City's Community Facility District (CFD Services).	On-Going	Engineering Dept.	
18.	The developer shall annex into the City's Community Facility District (CFD 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 Services then the developer shall de-annex from said assessment/benefit district.	Prior to Map Recordation	Engineering Dept.	
19.	The developer shall design and construct all driveways in accordance with the City of Wildomar Improvement Standards.	On-Going	Engineering Dept.	
20.	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	Engineering Dept.	
21.	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	Engineering Dept.	
22.	All flood control plans to be reviewed by the City or the Riverside County Flood Control District (RCFCD) shall be submitted through the City of Wildomar, unless otherwise directed by the City Engineer. For	On-Going	Engineering Dept.	

**ATTACHMENT D – EXHIBIT 1
ELM STREET PROJECT – CONDITIONS OF APPROVAL**

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APN: 376-043-027

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	projects requiring RCFCDD review the developer shall pay the appropriate fees to RCFCDD.			
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Prior to the Issuance of Grading Permits

23.	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.	Prior to Issuance of a Grading Permit	Engineering Dept.	
24.	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 a Grading Permit	Engineering Dept.	
25.	The project specific SWPPP and an Erosion/Sediment Control plan shall be approved by the City Engineer.	Prior to Issuance of a Grading Permit	Engineering Dept.	
26.	The Developer shall provide the Engineering Department evidence of compliance with the National Pollutant Discharge Elimination System (NPDES); obtain a construction permit from the State Water Resource Control Board (SWRRCB); and, reference the WDID number on the improvement/grading plans.	Prior to Issuance of a Grading Permit	Engineering Dept.	
27.	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, prior to issuing a grading permit, a Grading Environmental Assessment shall	Prior to Issuance of a Grading Permit	Engineering Dept.	

**ATTACHMENT D – EXHIBIT 1
ELM STREET PROJECT – CONDITIONS OF APPROVAL**

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<u>Tentative Tract Map Approval Date (City Council):</u>	<u>Tentative Tract Map Expiration Date</u>		
September 9, 2015	September 9, 2018		
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	be submitted to the Planning Director for review and comment and to the City Engineer for approval.			
28.	A licensed engineer shall prepare and submit a Water Quality Management Plan (WQMP) Applicability Checklist; determine if a WQMP is applicable for this project; and, sign and stamp the WQMP checklist with their license seal.	Prior to Issuance of a Grading Permit	Engineering Dept.	
29.	If the WQMP is required, a Final Water Quality Management Plan (WQMP) conforming to the Preliminary WQMP shall be prepared and submitted for review, 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. The Final WQMP shall be approved by the City Engineer prior to issuance of a grading permit. 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 Engineer. These BMPs shall be consistent with the Final WQMP and installed and maintained to the satisfaction of the City Engineer.	Prior to Issuance of a Grading Permit	Engineering Dept.	
30.	A Storm Water Management Facilities Agreement shall be approved by the City Engineer and/or City Council.	Prior to Issuance of a Grading Permit	Engineering Dept.	
31.	A Grading Agreement shall be approved by the City Council and/or City Council.	Prior to Issuance of a Grading Permit	Engineering Dept.	

**ATTACHMENT D – EXHIBIT 1
ELM STREET PROJECT – CONDITIONS OF APPROVAL**

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32.	<p>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. If the development requires Basins, the study shall also:</p> <ol style="list-style-type: none"> a. Analyze the detention basin drainage area for a project using the Rational Method 100-year storm event for the pre-project and post-project. 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. 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. d. Using the calibrated Unit Hydrograph for the detention basin drainage area perform basin routing analysis to demonstrate 	<p>Prior to Issuance of a Grading Permit</p>	<p>Engineering Dept.</p>	
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	that the outflow is less than the pre-project Rational Method flow rate.			
33.	The developer shall show all easements per the Title Report to the satisfaction of Public Works. Any conflict with existing easements resulting in the site being redesigned potentially requires a minor change or amendment approval by Planning Commission.	Prior to the 1st Improvement Plan submittal	Engineering Dept.	

Prior to Final Map Approval / Recordation of the Final Map

34.	Improvement plans shall be prepared, processed, and approved. Construct the improvements; or execute an Improvement Agreement and Improvement Security. This condition shall be in conformance with local regulations and the Subdivision Map Act.	Prior to Final Map Approval ALL PHASES	Engineering Dept.	
35.	The developer shall dedicate, design and construct the northern half - section of Central Avenue, measured, fifty feet (50') from the approved centerline. Right of way will be based on a one-hundred foot (100') secondary highway, Standard No. 94, in accordance with the City of Wildomar Improvement Standards & Specifications and to the satisfaction of the City Engineer. Modify eighteen foot (18') parkway strip to accommodate a curb adjacent eight foot (8') wide sidewalk and a right of way adjacent eight foot (8') wide D.G. multiuse trail. The sidewalk and trail shall be separated by a lodge pine two rail fence. Improvements may be satisfied by an in-lieu cash payment based on City of Wildomar Bond Unit costs.	Prior to Recordation of Final Map or First Building Permit	Engineering Dept.	
36.	The developer shall dedicate, design and construct the southern half - section of Gruwell Street, measured, fifty feet (50') from the approved centerline. Right of way will be based on a one-hundred foot (100') secondary highway, Standard No. 94, in accordance with the City of	Prior to Recordation of Final Map or First Building Permit	Engineering Dept.	

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	Wildomar Improvement Standards & Specifications and to the satisfaction of the City Engineer. Modify eighteen foot (18') parkway strip to accommodate a curb adjacent eight foot (8') wide sidewalk and a right of way adjacent eight foot (8') wide D.G. multiuse trail. The sidewalk and trail shall be separated by a lodge pine two rail fence. Improvements may be satisfied by an in-lieu cash payment based on City of Wildomar Bond Unit costs.			
37.	Access from Central Avenue to "A" Street is limited to right in only with appropriate traffic control measures to the satisfaction of the City Engineer.	Prior to Recordation of Final Map or First Building Permit	Engineering Dept.	
38.	Access to Gruwell Street from "A" Street is limited to right out only with appropriate traffic control measures to the satisfaction of the City Engineer.	Prior to Recordation of Final Map or First Building Permit	Engineering Dept.	
39.	Appropriate offsite transitions shall be designed on Central Avenue and Gruwell Street to accommodate the interim improvements at "A" Street in accordance with the City of Wildomar Improvement Standards & Specifications and to the satisfaction of the City Engineer.	Prior to Recordation of Final Map or First Building Permit	Engineering Dept.	
40.	The developer shall dedicate, design and construct "A" Street as a one-way street from Central Avenue to Gruwell Street based on a thirty foot (30') right of way; twenty-six foot (26') wide curb to curb; concrete rolled curbs; and, a four foot (4') wide landscaped parkway, in accordance with the City of Wildomar Road Improvement Standards & Specification to the satisfaction of the City Engineer. Pavement design shall be based on a TI of 5.5.	Prior to Recordation of Final Map or First Building Permit	Engineering Dept.	

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41.	The developer shall dedicate, design and construct streetlights at the intersection(s) of "A" Street with Central Avenue and Gruwell Street in accordance with the City of Wildomar Road Improvement Standards & Specification, Improvement Plan Check Policies and Guidelines, City Ordinances and to the satisfaction of the City Engineer.	Prior to Recordation of Final Map or First Building Permit	Engineering Dept.	
42.	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 Recordation of Final Map or First Building Permit	Engineering Dept.	
43.	The developer shall design the underground utilities in "A" street to accommodate a future forty-eight inch (48") diameter storm drain from Elm Street to Central Avenue . The developer shall dedicate a thirty-six foot (36') wide storm drainage easement along the southerly boundary of Lot 15 for a future forty-eight inch (48") diameter storm drain.	Prior to Recordation of Final Map or First Building Permit	Engineering Dept.	
44.	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. All plans and calculations shall be designed and calculated per the City of Wildomar Road Improvement Standards & Specification, Improvement Plan Check Policies and Guidelines, City Codes and to the satisfaction of the City Engineer. Improvements on Central and Gruwell may be satisfied by an in-lieu cash payment based on City of Wildomar Bond Unit costs.	Prior to Recordation of Final Map or First Building Permit	Engineering Dept. Planning Dept.	

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45.	The developer shall submit to the City Engineer traffic control plans along Central Avenue and Gruwell Street to ensure the continued flow of traffic during construction.	Prior to Recordation of Final Map or First Building Permit	Engineering Dept. Public Works Dept.	
46.	The developer shall execute a maintenance agreement for the stormwater quality control treatment device to the satisfaction of the City Engineer. The condition is satisfied if the Developer includes the maintenance of the related facilities in the CFD Services District.	Prior to Recordation of Final Map or First Building Permit	Engineering Dept.	
<u>Prior to Issuance of Building Permits</u>				
47.	The developer/owner shall obtain a grading permit and/or approval to construct from the City Engineer.	Prior to Issuance of a Building Permit	Building Dept. Engineering Dept.	
48.	Improvement plans shall be approved by the City Engineer and all improvements to be constructed shall be secured by the Developer.	Prior to Issuance of a Building Permit	Building Dept. Engineering Dept.	
49.	The developer shall provide will serve letters from the appropriate water and sewer agencies.	Prior to Issuance of a Building Permit	Building Dept.	
50.	The developer shall provide approval letter from Fire Department for fire water service	Prior to Issuance of a Building Permit	Building Dept. Fire Dept.	
51.	The developer shall install all street name signs at intersections adjacent to the project, public or private and/or replace street name signs in accordance with the City of Wildomar Standard Details and to the satisfaction of the City Engineer.	Prior to Issuance of a Building Permit	Public Works Dept.	
52.	The developer shall annex into the CFD Services District to offset development related costs for maintenance and services.	Prior to Issuance of a Building Permit	Engineering Dept.	

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53.	The developer/applicant shall demonstrate that all development related fees, impact fees, and mitigation fees have been satisfactorily paid.	Prior to Issuance of a Building Permit	Building Dept.	
54.	Prior to issuance of a building permit the developer shall pay all fees in accordance with Zone A of the Southwest Road and Bridge Benefit District.	Prior to Issuance of a Building Permit	Building Dept.	
55.	The developer shall pay the appropriate impact mitigation fee to the Riverside County Flood Control and Water Conservation District.	Prior to Issuance of a Building Permit	Building Dept.	
56.	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 a Building Permit or Certificate of Occupancy	Building Dept.	
57.	The developer shall construct the stormwater quality treatment devices to accommodate all project runoff from 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 Engineer. All stormwater quality treatment devices shall be constructed outside of the ultimate public right of way.	Prior to Issuance of a Building Permit	Building Dept.	

RIVERSIDE COUNTY FIRE DEPARTMENT

General Conditions

1.	10.FIRE.999PC #01 – West Fire Protection Planning Office Responsibility	On-Going	Fire Department	
2.	10.FIRE.999 CASE – CITY CASE STATEMENT With respect to the conditions of approval for the referenced project, the Fire Department	On-Going	Fire Department	

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	recommends the following fire protection measures be provided In accordance with Riverside County Ordinances and /or recognized fire protection standards			
3.	10.FIRE.999 MAP #50 – BLUE DOT REFLECTORS Blue retro-reflective pavement markers shall be mounted on private streets, public streets, and driveways to indicate location of fire hydrants. Prior to installation, placement of markers must be approved by the Riverside County Fire Department.	On-Going	Fire Department	
4.	10. FIRE.999 MAP #16 – HYDRANT/SPACING Schedule A fire protection approved standard fire hydrants (6"x 4"x 2 ½"): locate one at each street intersection and space no more than 500 feet apart in any direction, with no portion of any lot frontage more than 250 feet from hydrant. Minimum fire flow shall be 1000 GPM for 2 hours duration at 20 PSI. Shall include perimeter streets at each intersection and spaced 660 feet apart.	On-Going	Fire Department	

Prior to Final Map Recordation

5.	50.FIRE.999 MAPS #46 – WATER PLANS The applicant or developer shall furnish one copy of the water system plans to the Fire Department for review. Plans shall be signed by a registered civil engineer, containing a Fire Department approval signature block, and shall conform to hydrant type, location, spacing, and minimum fire flow. Once plans are signed by local water company, the originals shall be presented to the Fire Department for signature.	Prior to Final Map Recordation	Fire Department	
6.	50.FIRE.999 MAP#53 – ECS-WTR PRIOR/COMBUS ECS map must be stamped by Riverside County Surveyor with the following note: The	Prior to Final Map Recordation	Fire Department	

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required water system, including fire hydrants, shall be installed and accepted by the appropriate water agency prior to any combustible building material placed on an individual lot.				
<u>Prior to Issuance of Building Permits</u>				
7. 80.FIRE.999 MAP #50C – TRACT WATER VERIFICATION The required water system, including all fire hydrant(s), shall be installed and accepted by the appropriate water agency and the Riverside County Fire Department prior to any combustible building material placed on an individual lot. Contact the Riverside County Fire Department to inspect the required fire flow, street signs, all-weather surface, and all access and/or secondary. Approved water plans must be at the job site.	Prior to Issuance of Building Permits	Fire Department		
<u>Prior to Final Inspection</u>				
8. 90. FIRE.999 MAP – RESIDENTIAL FIRE SPRINKLER Residential fire sprinklers are required in all one- and two-family dwellings per the California Residential Code, California Building Code, and California Fire Code. Install fire sprinkler systems per NFPA 13D, 2010 Edition. Plans must be submitted to the Fire Department for review and approval prior to installation.	Prior to Final Inspection			

END

ATTACHMENT D

**Tentative Tract Map No. 33840 Plans
(full-size plans – under separate cover)**