

# **ATTACHMENT A**

**PC Resolution No. 2015-01  
Environmental Impact Report**

**PC RESOLUTION NO. 2015-01**

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

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

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

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

- 1) Environmental Impact Report (EIR) - The proposed project requires the preparation, review and certification of an Environmental Impact Report ("EIR" - SCH# 2014011014) in accordance with Public Resources Code § 21080(d) and § 21082.2(d).
- 2) Change of Zone (CZ) – The proposed project requires a Change of Zone from R-R (Rural Residential) to C-P-S (Scenic Highway Commercial) for the 21.96 acre site to accommodate the proposed retail project in accordance with Title 17 of the Wildomar Municipal Code
- 3) Conditional Use Permit (CUP) - The proposed project requires a Conditional Use Permit to allow the sale of alcohol (Off Sale General); and
- 4) Plot Plan (PP) - The proposed project requires a Plot Plan to develop the 21.96 acre site with a 185,682 square-foot Walmart retail building and a separate 7,800 square-foot retail building with full on-site and off-site site improvements, subject to conditions.

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

**WHEREAS**, the Planning Commission of the City of Wildomar, California, has the authority and has reviewed the proposed Walmart development project in accordance with the California Government Code, Section 65854 and Title 17 of the City of Wildomar Municipal Code; and

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

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

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

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

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

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

**WHEREAS**, before the close of the public comment period on October 8, 2014, the Planning Department received seven (7) comments from agencies and public citizens regarding the Draft EIR; and

**WHEREAS**, the Planning Department has prepared the Final EIR (Exhibit 2 of this Resolution) in accordance CEQA Guidelines, which includes official city responses to each of the seven (7) commenters, and which said Final EIR was distributed to each

commenter at least 10 days prior to the January 21, 2015 Planning Commission public hearing in accordance with CEQA Guidelines; and

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

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

**WHEREAS**, in accordance with Government Code Sections 65854 and 65091, and Title 17 of the Wildomar Municipal Code, the City of Wildomar Planning Department, on January 7, 2015, mailed a public hearing notice to all property owners within a 1,000-foot radius of the project boundaries notifying said property owners of the January 21, 2015 public hearing on the DEIR and FEIR (including all exhibits contained herein) that would be considered by the City of Wildomar Planning Commission; and

**WHEREAS**, in accordance with Government Code Sections 65854 and 65090, and Title 17 of the Wildomar Municipal Code, the City of Wildomar Planning Department, on January 9, 2015, published a legal notice in the Press Enterprise, a local newspaper of general circulation, notifying the general public of the January 21, 2015 public hearing for the DEIR and FEIR (including all exhibits contained herein) that would be considered by the City of Wildomar Planning Commission; and

**WHEREAS**, in accordance with Government Code Section 65854, and Title 17 of the Wildomar Municipal Code, the City of Wildomar Planning Commission, on January 21, 2015, conducted the duly noticed public hearing, at which time interested persons had an opportunity to testify in support of, or opposition to, the project proposed in the DEIR and FEIR (including all exhibits contained herein).

**NOW THEREFORE**, the 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 DEIR, all documents incorporated by reference therein, any comments received and responses provided, the Findings of Fact and Statement of Overriding Considerations (as provided in Exhibit 3 of this Resolution), the Mitigation Monitoring and Reporting Program (provided as Exhibit 4 to this Resolution), and other substantial evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record and/or provided at the public hearing, recommends the City Council find and determine that:

1. Preparation of EIR: An Environmental Impact Report was prepared for the Walmart development project and processed in accordance with the California Environmental Quality Act (Public Resources Code § 21000 et seq.) and the CEQA Guidelines (14 California Code of Regulations § 15000 et seq.).
2. Notice: The City has complied with CEQA Guidelines § 15085 and §15087 by providing a Notice of Completion of the Draft EIR to OPR and a Notice of Availability to responsible and trustee agencies, including the Riverside County Clerk, and other persons and agencies.
3. Review Period: The City has complied with CEQA Guidelines §§ 15087 and 15105 by making the Draft EIR available to the public for review for the required 45-day period of time commencing on August 25, 2014 and concluding on October 8, 2014.
4. Response to Comments: The City has responded to all seven (7) of the written comments received during the public review period, and included the comments and responses as part of the Final EIR included as Exhibit 2 to this Resolution. In response to these comments, the City has made minor revisions to the Draft EIR, which are identified in the Final EIR and which do not constitute significant additional information that would require recirculation of the Draft EIR.
5. Findings for Significant Effects: The EIR identifies potentially significant effects on the environment that could result if the project were adopted without changes or alterations to the project and/or the imposition of mitigation measures. Pursuant to CEQA Guideline Section 15091, the Planning Commission recommends the City Council further find that:
  - a) Changes, alterations, and mitigation measures have been incorporated into, or imposed as conditions of approval on, the project.
  - b) These changes, alterations, and mitigation measures will avoid the significant environment effects identified in the EIR or lessen their impact below the threshold of significance, except that three (3) significant impacts (Traffic (operations/cumulative), Air Quality (operations/cumulative) and Noise (temporary construction)) cannot be feasibly mitigated to less than significant levels.
  - c) These changes, alterations, and mitigation measures are fully enforceable because they have either resulted in an actual change to the project as proposed or they have been imposed as conditions of approval on the project.
  - d) The City has prepared a Mitigation Monitoring and Reporting Program included PC Resolution No. 2015-01 (Attachment A, Exhibit 4) to track compliance with these changes, alterations, and mitigation measures identified in the Walmart development project Environmental Impact Report.

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

## **SECTION 2      MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP)**

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

## **SECTION 3.      PLANNING COMMISSION ACTION.**

Based on the foregoing findings, and on substantial evidence in the whole of the record, the Planning Commission hereby recommends that the City Council take the following actions:

1. Certify EIR: The Planning Commission recommends that the City Council adopt the Findings of Fact and Statement of Overriding Considerations (Attached hereto as Exhibit 3 of this Resolution) and certify the Final Environmental Impact Report (SCH# 2014011014) for the Walmart development project.
2. Approve and Adopt the Mitigation Monitoring and Reporting Program: The Planning Commission recommends that the City Council approve and adopt the Mitigation Monitoring and Reporting Program for the Walmart development project EIR attached hereto as Exhibit 4 of this Resolution.
3. Notice of Determination: The Planning Commission recommends that, in compliance with Public Resources Code § 21152 and CEQA Guidelines § 15094, the City Council direct the Planning Director to prepare a Notice of Determination (NOD) concerning certification of the Walmart development project EIR, and within five (5) days of City Council approval, file the NOD with the Riverside County Clerk for posting.
4. Location: The Planning Commission recommends that the Final Environmental Impact Report (SCH# 2014011014) and all documents incorporated therein and forming the record of decision therefore be filed with the City Wildomar Planning Department at the Wildomar City Hall, 23873 Clinton Keith Road, Suite #201,

Wildomar, California, 92595 and be made available for public review upon request during the hours of 8 am to 5 pm, Monday – Thursday.

**PASSED, APPROVED AND ADOPTED** this 21st day of January, 2015 by the following vote:

AYES.

NOES:

ABSENT:

ABSTAINED:

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Veronica Langworthy  
Planning Commission Chair

**ATTEST:**

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Matthew C. Bassi  
Planning Director/Minutes Secretary

**APPROVED AS TO FORM:**

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Erica L. Vega  
Assistant City Attorney

**ATTACHMENT A - EXHIBIT 1**

**Walmart Draft Environmental Impact Report**

**(under separate cover for Commission)**

## **ATTACHMENT A - EXHIBIT 1 - A**

**Walmart Draft Environmental Impact Report – Technical Appendices  
(under separate cover for Commission – CD in DEIR)**

**Technical Studies Include the following:**

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