

# **ATTACHMENT B**

**PC Resolution No. 2015-02  
Change of Zone**

**PC RESOLUTION NO. 2015-02**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA, RECOMMENDING CITY COUNCIL APPROVAL OF A CHANGE OF ZONE (PLANNING APPLICATION NO. 13-0086) FROM R-R (RURAL RESIDENTIAL) TO C-P-S (SCENIC HIGHWAY COMMERCIAL) FOR A 21.96 ACRE SITE 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, including a sign program subject to conditions.

**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 the 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 § 21000 et seq. (“CEQA”); and

**WHEREAS**, the Planning Director determined that there was substantial evidence that the Walmart development project may have one or more significant effects on the environment and that preparation of an 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**, 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 proposed Change of Zone (Planning Application

No. 13-0086) 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 on the proposed Change of Zone (Planning Application No. 13-0086) that would be considered by the City of Wildomar Planning Commission; and

**WHEREAS**, in accordance with Government Code Section 65854, 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 proposed Change of Zone (Planning Application No. 13-0086) that would be considered by the City of Wildomar Planning Commission, and at which time the Planning Commission received public testimony concerning the proposed Change of Zone (Planning Application No. 13-0086).

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

**SECTION 1. CEQA:**

The approval of this Change of Zone (Planning Application No. 13-0086) is in compliance with requirements of the California Environmental Quality Act ("CEQA"), in that on January 21, 2015, at a duly noticed public hearing, the Planning Commission recommended to the City Council approval and certification of an Environmental Impact Report reflecting its independent judgment and analysis and documenting the environmental impacts and mitigation measures related to the project. The documents comprising the City's environmental review for the project are on file and available for public review at Wildomar City Hall, 23873 Clinton Keith Rd., Suite 201, Wildomar, CA 92595.

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

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

**SECTION 3. ZONE CHANGE FINDINGS**

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

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

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

- LU 2.1 The proposed project accommodates a land use development that is in accordance with patterns and distribution of land uses that are depicted on the General Plan Land Use map.
- LU 4.1 The proposed project accommodates a land use development proposal that is located and designed to visually enhance and not degrade the character of the surrounding area.
- LU 6.1 The proposed change of zone and development project has been developed in accordance with the General Plan that ensures compatibility and minimizes impacts.
- LU 7.1 The proposed project accommodates a development proposal that enhances the City's fiscal viability, economic diversity and environmental integrity.
- LU 7.12 The proposed project accommodates a development proposal that will provide for jobs for Wildomar residents locally that directly results in a better jobs to housing balance so that residents have an opportunity to work within the City.
- LU 23.1 The proposed project accommodates the development of commercial uses in areas appropriately designated by the General Plan land use map.
- LU 23.9 The proposed project is designed in a manner that considers the surroundings and visually enhances, not degrades, the character of the surrounding area.

**SECTION 4. PLANNING COMMISSION ACTION:**

The Planning Commission, based on the findings above, hereby adopts PC Resolution No. 2015-02 recommending City Council adoption of an Ordinance, attached

hereto and incorporated herein by reference as Exhibit 1, approving Change of Zone No. 13-0086 from the current zoning designation of R-R (Rural Residential) to C-P-S (Scenic Highway Commercial) for the proposed project.

**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 B - EXHIBIT 1**

**Draft City Council Ordinance for  
Change of Zone No. 13-0086**

**DRAFT ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, APPROVING A CHANGE OF ZONE (PLANNING APPLICATION NO. 13-0086) FROM R-R (RURAL RESIDENTIAL) TO C-P-S (SCENIC HIGHWAY COMMERCIAL) FOR A 21.96 ACRE SITE LOCATED AT SOUTHWEST CORNER OF MONTE VISTA DRIVE AND BUNDY CANYON ROAD (APN: 367-100-033; 367-100-034; 367-100-035; 367-100-037)**

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

**SECTION 1. CEQA Determination**

The approval of this Change of Zone is in compliance with requirements of the California Environmental Quality Act ("CEQA"), in that on \_\_\_\_\_, 2015, at a duly noticed public hearing, the City Council adopted an Environmental Impact Report (EIR) and Mitigation Monitoring & Reporting Program for Change of Zone No. 13-0086 reflecting its independent judgment and analysis and documenting the environmental impacts and mitigation measures related to the project. The documents comprising the City's environmental review for the project are on file and available for public review at Wildomar City Hall, 23873 Clinton Keith Rd., Suite 201, Wildomar, CA 92595.

**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. Change of Zone Findings**

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

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

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

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

- LU 2.1 The proposed project accommodates a land use development that is in accordance with patterns and distribution of land uses that are depicted on the General Plan Land Use map.
- LU 4.1 The proposed project accommodates a land use development proposal that is located and designed to visually enhance and not degrade the character of the surrounding area.
- LU 6.1 The proposed change of zone and development project has been developed in accordance with the General Plan that ensures compatibility and minimizes impacts.
- LU 7.1 The proposed project accommodates a development proposal that enhances the City's fiscal viability, economic diversity and environmental integrity.
- LU 7.12 The proposed project accommodates a development proposal that will provide for jobs for Wildomar residents locally that directly results in a better jobs to housing balance so that residents have an opportunity to work within the City.
- LU 23.1 The proposed project accommodates the development of commercial uses in areas appropriately designated by the General Plan land use map.
- LU 23.9 The proposed project is designed in a manner that considers the surroundings and visually enhances, not degrades, the character of the surrounding area.

#### **SECTION 4: 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. 13-0086 from the current zoning designation of R-R (Rural Residential) to C-P-S (Scenic Highway Commercial) for the properties located at the southwest corner of Monte Vista Drive and Bundy Canyon Road known herein as APN's 367-100-033; 367-100-034; 367-100-035; 367-100-037.

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

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

**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.

**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

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Debbie A. Lee, CMC  
City Clerk