

ATTACHMENT C

**PC Resolution No. 2015-22
Change of Zone 13-0089**

PC RESOLUTION NO. 2015-22

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA, RECOMMENDING CITY COUNCIL APPROVAL OF A CHANGE OF ZONE (PLANNING APPLICATION NO. 13-0089) TO CHANGE THE EXISTING ZONING DESIGNATION FROM I-P (INDUSTRIAL PARK) TO R-3 (GENERAL RESIDENTIAL) FOR A 170-UNIT APARTMENT PROJECT ON A 10.02 ACRE SITE LOCATED AT THE NORTHEAST CORNER OF ELIZABETH LANE AND PRIELIPP ROAD (APN: 380-290-029)

WHEREAS, the Planning Department has received a Change of Zone (Planning Application No. 13-0089) to change the existing zoning designation from I-P (Industrial park) to R-3 (General Residential) for the 10.02 acre subject site from:

Applicant/Owner:	Wildomar Ranch Investments, LLC (Danny Brose, Project Manager)
Project Location:	NEC of Elizabeth Lane and Prielipp Road
APN:	380-290-029
Project Area:	10.02 gross acres

WHEREAS, the Planning Commission of the City of Wildomar, California, has the authority to review the proposed Villa Siena Change of Zone No. 13-0089 as proposed in accordance with the California Government Code, Sections 65853 and 65854, and the City of Wildomar Municipal Code, Title 17, Section 17.280.040; and

WHEREAS, the proposed Villa Siena Project 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 Villa Siena 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 CEQA Guideline 15060(d); and,

WHEREAS, the Planning Department on April 21, 2014 provided a Notice of Preparation (NOP) for the Villa Siena Apartment project Draft EIR and released the NOP for the required 30-day public review/comment period which began on April 21, 2014 and concluded on May 20, 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 May 5, 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) on April 27, 2015 notifying the State of the availability of the Villa Siena project DEIR for its 45-day public review/comment period in accordance with Section 15085 of the CEQA Guidelines; and

WHEREAS, on April 27, 2015, 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 public review of the Villa Siena Draft EIR (SCH# 20144011081), and

WHEREAS, the Draft EIR for the Villa Siena Apartment 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 April 27, 2015 and concluding on June 11, 2015, and which said notice and DEIR was posted at Wildomar City Hall Planning Department and the City of Wildomar Environmental Documents Center website; and

WHEREAS, at the conclusion of the 45-day public review/comment period, the Planning Department received three (3) public comments on the Villa Siena Apartment project Draft EIR; and

WHEREAS, the Planning Department has prepared a Final EIR for the Villa Siena Apartment project in accordance with CEQA Guidelines, which includes responses to each of the three (3) public comments received during the 45-day public review/comment period, and which the Final EIR was provided to each commenter at least 10 days prior to the September 2, 2015 Planning Commission meeting in accordance with CEQA Guidelines; 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 project; and

WHEREAS, in accordance with Government Code Section 65854 and Section 17.280.040 of the Zoning Ordinance, the City of Wildomar Planning Department on September 2, 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 Change of Zone No. 13-0089 that would be considered by the City of Wildomar Planning Commission; and

WHEREAS, in accordance with Government Code Section 65854 and Section 17.280.040 of the Zoning Ordinance, the City of Wildomar Planning Department on September 4, 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 holding of a public hearing for Change of Zone No. 13-0089 that would be considered by the City of Wildomar Planning Commission; and

WHEREAS, in accordance with Government Code Section 65854 and Section 17.280.040 of the Zoning Ordinance, the City of Wildomar Planning Commission conducted the duly noticed public hearing on September 16, 2015, at which time all interested persons had an opportunity to testify in support of, or opposition to, the proposed Change of Zone No. 13-0089, and at which time the Planning Commission received public testimony concerning Change of Zone No. 13-0089, and voted 3-0-1 to continue the agenda item to the October 21, 2015 meeting; and

WHEREAS, in accordance with Government Code Section 65854 and Section 17.280.040 of the Zoning Ordinance, the City of Wildomar Planning Commission conducted the duly noticed public hearing on October 21, 2015, at which time all interested persons had an opportunity to testify in support of, or opposition to, the proposed Change of Zone No. 13-0089, and at which time the Planning Commission received public testimony concerning Change of Zone No. 13-0089.

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. 13-0089) is in compliance with requirements of the California Environmental Quality Act (“CEQA”), in that on October 21, 2015, at a duly noticed public hearing, the Planning Commission recommended to the City Council certification of an Environmental Impact Report reflecting its independent judgment and analysis and documenting the environmental impacts and mitigation measures related to the proposed Villa Siena 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 Sections 65855 and 65860 and Chapter 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.

Evidence: The applicant is proposing to amend the existing general plan land use designation from Medium High Density Residential (MHDR, 5 – 8 units/acre) to Very High Density Residential (VHDR, 14 – 20 units/acre) for a 10.02 acre site located at the northeast corner of Elizabeth Lane and Prielipp Road (APN: 380-290-029). With the approval of the proposed General Plan Amendment, the proposed Change of Zone from I-P (Industrial Park) to R-3 (General Residential) is in conformance with the proposed VHDR land use designation as it is intended for multi-family dwellings to be developed within a density range of 14 – 20 units/acre. As the R-3 (General Residential) zone is intended to allow the development of multi-family dwellings subject to a plot plan approval, and the project density is proposed at 17.0 units/acre, the Change of Zone is consistent with the General Plan land use designation of VHDR.

Further, the R-3 (General Residential) zoning designation, upon approval of the proposed GPA, is consistent with the land use designation of Very High Density Residential (VHDR) as this zoning designation also implements the following goals and polices related to multi-family residential development:

- LU 2.1 The proposed change of zone and project will accommodate 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 proposed for the subject site.
- LU 4.1 The proposed change of zone and project will accommodate 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 project will be developed in accordance with the proposed General Plan land use designation that ensures compatibility and minimizes impacts.
- LU 22.1 The proposed change of zone and project will accommodate the development of multi-family residential units in an area that is appropriately designated by the General Plan.

- LU 22.4 The proposed change of zone and project will provide a specific housing type, style and density that is accessible to and meets the needs of a range of lifestyles, physical abilities and income levels.
- LU 22.10 The proposed change of zone and project is designed to consider the surrounding areas to visually enhance, and not degrade, the appearance of adjacent residential structures.
- H-1.1 The proposed change of zone and project will help ensure a sufficient supply of multi-family zoned land to meet housing needs identified in the City's Regional Housing Needs Allocation (RHNA) required in the Housing Element.
- H-6.1 The proposed change of zone and project will utilize energy conservation measures in that each enclosed garage space has an EV charging outlet for electric vehicles, and will be designed to meet Green Building code standards.

SECTION 4. PLANNING COMMISSION ACTION.

The Planning Commission, based on the findings above, hereby adopts PC Resolution No. 2015-22 recommending City Council adoption of an Ordinance (attached hereto and incorporated herein by reference as Exhibit 1) approving Change of Zone No. 13-0089 from I-P (Industrial Park) to R-3 (General Residential) for a 10.02 acre site located at the northeast corner of Elizabeth Lane and Prielipp Road, otherwise known as APN: 380-290-029.

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

AYES.

NOES:

ABSENT:

ABSTAINED:

Veronica Langworthy
Planning Commission Chairman

ATTEST:

Matthew C. Bassi
Planning Director/Minutes Secretary

APPROVED AS TO FORM:

Erica L. Vega
Assistant City Attorney

ATTACHMENT C - EXHIBIT 1

**Draft City Council Ordinance for
Change of Zone No. 13-0089**

DRAFT ORDINANCE NO. _____

AN ORDINANCE OF CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, APPROVING A CHANGE OF ZONE (PLANNING APPLICATION NO. 13-0089) FROM I-P (INDUSTRIAL PARK) TO R-3 (GENERAL RESIDENTIAL) FOR A 170-UNIT APARTMENT PROJECT ON A 10.02 ACRE SITE LOCATED AT THE NORTHEAST CORNER OF ELIZABETH LANE AND PRIELIPP ROAD (APN: 380-290-029)

THE WILDOMAR CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1. CEQA

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. 13-0089 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. Change of Zone Findings

In accordance with the State of California, Government Code 65855 and 65860 and Chapter 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 applicant is proposing to amend the existing general plan land use designation from Medium High Density Residential (MHDR, 5 – 8 units/acre) to Very High Density Residential (VHDR, 14 – 20 units/acre) for a 10.02 acre site located at the northeast corner of Elizabeth Lane and Prielipp Road (APN: 380-290-029). With the approval of the proposed General Plan Amendment, the

proposed Change of Zone from I-P (Industrial Park) to R-3 (General Residential) is in conformance with the proposed VHDR land use designation as it is intended for multi-family dwellings to be developed within a density range of 14 – 20 units/acre. As the R-3 (General Residential) zone is intended to allow the development of multi-family dwellings subject to a plot plan approval, and the project density is proposed at 17.0 units/acre, the Change of Zone is consistent with the General Plan land use designation of VHDR.

Further, the R-3 (General Residential) zoning designation, upon approval of the proposed GPA, is consistent with the land use designation of Very High Density Residential (VHDR) as this zoning designation also implements the following goals and polices related to multi-family residential development:

- LU 2.1 The proposed change of zone and project will accommodate 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 proposed for the subject site.
- LU 4.1 The proposed change of zone and project will accommodate 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 project will be developed in accordance with the proposed General Plan land use designation that ensures compatibility and minimizes impacts.
- LU 22.1 The proposed change of zone and project will accommodate the development of multi-family residential units in an area that is appropriately designated by the General Plan.
- LU 22.4 The proposed change of zone and project will provide a specific housing type, style and density that is accessible to and meets the needs of a range of lifestyles, physical abilities and income levels.
- LU 22.10 The proposed change of zone and project is designed to consider the surrounding areas to visually enhance, and not degrade, the appearance of adjacent residential structures.
- H-1.1 The proposed change of zone and project will help ensure a sufficient supply of multi-family zoned land to meet housing needs identified in the City's Regional Housing Needs Allocation (RHNA) required in the Housing Element.
- H-6.1 The proposed change of zone and project will utilize energy conservation measures in that each enclosed garage space has an EV charging outlet for electric vehicles, and will be designed to meet Green Building code standards.

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. 13-0089 from the current zoning designation I-P (Industrial Park) to R-3 (General Residential) for a 10.02 acre site located at the northeast corner of Elizabeth Lane and Prielipp Road, otherwise known as APN: 380-290-029.

SECTION 5. Effective Date of the Ordinance.

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

SECTION 6 Severability.

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

SECTION 7. City Clerk Action

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