

# **ATTACHMENT A**

**Resolution No. 2015-\_\_\_\_\_**

**Environmental Impact Report**

**RESOLUTION NO. 2015-\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, CERTIFYING AN ENVIRONMENTAL IMPACT REPORT (SCH# 20144011081), INCLUDING ADOPTION OF FINDINGS OF FACT, STATEMENT OF OVERRIDING CONSIDERATIONS AND A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE VILLA SIENA APARTMENT PROJECT (PLANNING APPLICATION NO. 13-0089) CONSISTING OF A GENERAL PLAN AMENDMENT FROM MHDR TO VHDR, A CHANGE OF ZONE FROM I-P TO R-3, AND A PLOT PLAN TO DEVELOP A 170-UNIT APARTMENT PROJECT, SUBJECT TO CONDITIONS LOCATED AT THE NORTHEAST CORNER OF ELIZABETH LANE AND PRIELIPP ROAD (APN: 380-290-029)**

**WHEREAS**, the Planning Department has received an application 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 proposed project consists of the following applications for review and consideration 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") in accordance with Public Resources Code § 21080(d) and § 21082.2(d);
- 2) General Plan Amendment (GPA) - The proposed project requires the approval of a general plan amendment to change the existing land use designation from Medium High Density Residential (MHDR) to Very High Density Residential (VHDR) for the project site;
- 3) Change of Zone (CZ) - The proposed project requires the approval of a change of zone to change the existing zoning designation of I-P (Industrial Park) to R-3 (General Residential) for the project site; and
- 4) Plot Plan (PP) - The proposed project requires the approval of a plot plan for the development of a 170-unit multi-family apartment project with related on-site and off-site improvements and subject to conditions on the 10.02 acre project site.

**WHEREAS**, the proposed Villa Siena Apartment 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 Villa Siena Apartment project in accordance with the California Government Code, Sections 65353 and 65358, and the City of Wildomar Municipal Code, Title 17, Sections 17.08.100, 17.216.050, and 17.280.040; and

**WHEREAS**, the Planning Director determined that there was substantial evidence that the Villa Siena Apartment 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 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**, the Villa Siena Apartment project EIR consists of the following documents included as Exhibits to this Resolution as follows:

- Exhibit 1 - Villa Siena Apartment project Draft Environmental Impact Report (SCH# 2013111005);
- Exhibit 2 - Villa Siena Apartment project Final Environmental Impact Report;
- Exhibit 3 - Villa Siena Apartment project Environmental Impact Report Findings of Fact and Statement of Overriding Considerations;
- Exhibit 4 - Villa Siena Apartment project Mitigation Monitoring and Reporting Program (MMRP); 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**, 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 September 16, 2015 hearing on the Villa Siena EIR (and all exhibits) that would be considered by the City of Wildomar Planning Commission; and

**WHEREAS**, the City of Wildomar Planning Department, on September 4, 2015, published a legal notice in the Press Enterprise, a local newspaper of general circulation, notifying the general public of the holding of a public hearing for the Villa Siena EIR (and all exhibits) that would be considered by the City of Wildomar Planning Commission; and

**WHEREAS**, the City of Wildomar Planning Commission conducted the duly noticed public hearing on September 16, 2015, at which time interested persons had an opportunity to testify in support of, or opposition to, the proposed Villa Siena EIR (and all exhibits) that would be considered by the City of Wildomar Planning Commission, and at which time the Planning Commission received public testimony concerning the

Villa Siena EIR, and voted 3-0-1 to continue the agenda item to the October 21, 2015 meeting; and

**WHEREAS**, the City of Wildomar Planning Commission conducted the duly noticed public hearing on October 21, 2015, at which time interested persons had an opportunity to testify in support of, or opposition to, the proposed Villa Siena EIR (and all exhibits) that would be considered by the City of Wildomar Planning Commission, and at which time the Planning Commission received public testimony concerning the Villa Siena EIR.

**WHEREAS**, the City of Wildomar Planning Department, on October 30, 2015, published a legal notice in the Press Enterprise, a local newspaper of general circulation, notifying the general public of the November 12, 2015 public hearing for the Villa Siena EIR (and all exhibits) that would be considered by the City Council of the City of Wildomar; and

**WHEREAS**, the City Council of the City of Wildomar conducted the duly noticed public hearing on November 12, 2015, at which time interested persons had an opportunity to testify in support of, or opposition to, the proposed Villa Siena EIR (and all exhibits) that would be considered by the City Council, and at which time the Planning Commission received public testimony concerning the Villa Siena EIR.

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

#### **SECTION 1      CEQA FINDINGS.**

The City Council, in light of the whole record before it, including but not limited to, the DEIR, FEIR, the Findings of Fact, Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program (Exhibits 1-4) and all documents incorporated by reference therein, any comments received and responses provided, and other substantial evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record and/or provided at the public hearing, hereby finds and determines that:

1. Preparation of EIR: An Environmental Impact Report was prepared for the Villa Siena Apartment project and processed in accordance with the California Environmental Quality Act (Public Resources Code § 21000 et seq.), the CEQA Guidelines (14 California Code of Regulations § 15000 et seq.), and the City's local CEQA Guidelines.
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 April 27, 2015 and concluding on June 11, 2015.
4. Response to Comments: The City has responded to all written comments received during the public review period and included both the comments and the responses to the comments 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. These revisions are identified in the Final EIR and do not constitute significant additional information and do not require recirculation of the Draft EIR.
5. Avoidance / Reduction Significant Effects: The EIR identifies potentially significant effects on the environment that could result, if the project were adopted without changes or alterations, in the project and imposition of mitigation measures. Based thereon, 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 all but one of the significant environment effects identified in the EIR or lessen their impact below the threshold of significance.
  - 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 Program included as Exhibit 4 to this Resolution to track compliance with these changes, alterations, and mitigation measures identified in the Villa Siena Apartment project Environmental Impact Report.
  - e) For the one unavoidable environmental impact (transportation/traffic impact 3.1.1), specific economic and legal considerations make infeasible the mitigation measures identified in the FEIR.
6. Statement of Overriding Considerations: Approval of the project will result in one (1) one significant impact that can not be mitigated related to transportation/traffic (Impact 3.1.1); however, all other impacts have been mitigated through changes, alterations and mitigation measures to a less than significant level pursuant to Section 15092 of the CEQA Guidelines. Pursuant to Section 15093 of the CEQA Guidelines, the City Council adopts a Statement of Overriding Considerations for transportation/traffic (Impact 3.1.1) as discussed and addressed in the DEIR & FEIR (Statement of Facts and Findings).

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

**SECTION 2. CITY COUNCIL ACTION.**

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

1. Certify EIR: The City Council adopts the Statement of Facts and Findings, including a Statement of Overriding Considerations, and certifies the Final Environmental Impact Report (SCH# 20144011081) for the Villa Siena Apartment project.
2. Approve and Adopt the Mitigation Monitoring and Reporting Program: The City Council approves and adopts the Mitigation Monitoring and Reporting Program for the Villa Siena Apartment project EIR.
3. Notice of Determination: The City Council, in compliance with Public Resources Code § 21152 and CEQA Guidelines § 15094, hereby directs the Planning Director to prepare a Notice of Determination (NOD) concerning certification of the Villa Siena Apartment project EIR, and within five (5) working days of City Council approval, file the NOD with the Riverside County Clerk for posting, including submittal of the required CDFW filing fee.
4. Location: The City Council directs that the Final Environmental Impact Report (SCH# 20144011081) and all documents incorporated therein and forming the record of decision 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 12th day of November, 2015.

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Ben J. Benoit  
Mayor

**APPROVED AS TO FORM:**

**ATTEST:**

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Thomas D. Jex  
City Attorney

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Debbie A. Lee, CMC  
City Clerk