

# **ATTACHMENT C**

**Council Ordinance No. \_\_\_\_\_**

**(Change of Zone 13-0089)**

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, APPROVING A CHANGE OF ZONE FOR THE VILLA SIENA APARTMENT PROJECT (PLANNING APPLICATION NO. 13-0089) FROM I-P (INDUSTRIAL PARK) TO R-3 (GENERAL RESIDENTIAL) FOR A 170-UNIT APARTMENT PROJECT 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 November 12, 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, 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 Zoning Ordinance 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 12th day of November, 2015.

---

Ben J. Benoit  
Mayor

**APPROVED AS TO FORM:**

**ATTEST:**

---

Thomas D. Jex  
City Attorney

---

Debbie A. Lee, CMC  
City Clerk