

# **ATTACHMENT C**

**PC Resolution No. 2016-03**

**Change of Zone 14-0040**

**PC RESOLUTION NO. 2016-03**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA, RECOMMENDING CITY COUNCIL APPROVAL OF A CHANGE OF ZONE (PLANNING APPLICATION NO. 14-0040) TO CHANGE THE EXISTING ZONING DESIGNATION ON APPROXIMATELY 20.21 GROSS ACRES FROM R-R (RURAL RESIDENTIAL) TO C-1/C-P (GENERAL COMMERCIAL) ON THE SOUTHERLY 8.52± ACRES, AND TO R-3 (GENERAL RESIDENTIAL) ON THE NORTHERLY 11.69± ACRES TO ACCOMMODATE THE HORIZONS MIXED-USE DEVELOPMENT PROJECT LOCATED AT THE NORTHWEST CORNER OF ELIZABETH LANE AND PRIELIPP ROAD (APN: 380-250-023)**

**WHEREAS**, the Planning Department has received a Change of Zone (PA No. 14-0040) to change the existing zoning designation from R-R to C-1/C-P for the southerly 8.52± gross acres of the project site, and from R-R to R-3 for the northerly 11.69 gross acres of the site from:

Applicant/Owner:	Strata Keith, LLC (Eric Flodine, Project Manager)
Project Location:	SWC of Clinton Keith Road and Yamas Drive
APN:	380-250-023
Project Area:	20.21± gross acres

**WHEREAS**, the Planning Commission of the City of Wildomar, California, has the authority to review the proposed Horizons Mixed-Use Change of Zone No. 14-0040 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 Horizons Mixed-Use 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 Horizons Mixed-Use 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 January 26, 2015 provided a Notice of Preparation (NOP) for the Horizons Mixed-Use Development project EIR and released the NOP for the required 30-day public review/comment period which began on January 26, 2015 and concluded on February 24, 2015 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 February 9, 2015 in accordance with Section 15082 of the CEQA Guidelines; and

**WHEREAS**, upon completion of the Draft EIR, the City provided a Notice of Completion (NOC) to the State Clearinghouse (OPR) on August 27, 2015 notifying the State of the availability of the Horizons Mixed-Use development project DEIR for its 45-day public review/comment period in accordance with Section 15085 of the CEQA Guidelines; and

**WHEREAS**, on August 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 Horizons Draft EIR (SCH# 2015011021), and

**WHEREAS**, the Draft EIR for the Horizons Mixed-Use 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 not less than 45 days commencing on August 27, 2015 and concluding on October 12, 2015, and which said notice and project 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 Horizons Mixed-Use Development project Draft EIR; 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 December 22, 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. 14-0040 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 December 26, 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. 14-0040 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 January 6, 2016, at which time all interested persons had an opportunity to testify in support of, or opposition to, the proposed Change of Zone No. 14-0040, and at which time the Planning Commission received public testimony concerning Change of Zone No. 14-0040.

**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. 14-0040) is in compliance with requirements of the California Environmental Quality Act (“CEQA”), in that on January 6, 2016, 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 Horizons Mixed-Use 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 FINDING.**

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 Business Park (BP) to Commercial Retail (CR) on the southerly 8.52± acres of the project site, and to High Density Residential (HDR) on the northerly 11.69± acres of the site. With the approval of the proposed general plan amendment, the proposed Change of Zone from R-R to C-1/C-P for the southerly 8.52± acres of the project site, and from R-R to R-3 for the northerly 11.69± acres of the site is in conformance with the proposed Business Park and Commercial

Retail land use designations, respectively as each is intended for the proposed development of townhouses and Senior Assisted Living Facility. The proposed townhouse project with 138 townhome units will have a density of 11.8 units/acre which falls within the HDR density range of 8 – 14 units/acre. As the R-3 (General Residential) zone is intended to allow the development of multi-family attached townhouse dwellings subject to a plot plan approval, and the project density is proposed at 11.8 units/acre, the Change of Zone for the townhouse site is consistent with the General Plan land use designation of HDR. In regard to the Senior Assisted Living Facility, this use in the C-1/C-P zone is consistent with the land use policies and development standards.

Further, the Horizons Mixed-Use Development project, upon approval of the proposed GPA, is consistent with, and implements, the following goals and policies of the General Plan:

- LU 2.1 The proposed townhouse and Senior Assisted Living Facility 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 townhouse and Senior Assisted Living Facility 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 townhouse and Senior Assisted Living Facility 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 townhouse and Senior Assisted Living Facility 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 townhouse and Senior Assisted Living Facility 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 townhouse and Senior Assisted Living Facility project are designed to consider the surrounding areas to visually enhance, and not degrade, the appearance of adjacent residential structures.
- LU 23.1 The proposed land use amendment resulting in the Senior Assisted Living Facility is properly located and designated for commercial development in accordance with the General Plan.

- LU 23.8 The proposed land use amendment resulting in the Senior Assisted Living Facility is part of a mixed use development in a commercially designated area that will provide needed services and jobs for the Wildomar community in accordance with the General Plan.
- H-1.1 The proposed townhouse project will help ensure a sufficient supply of properly planned 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 townhouse 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. 2016-03 recommending City Council adoption of an Ordinance (attached hereto and incorporated herein by reference as Exhibit 1) approving Change of Zone No. 14-0040 from R-R to C-1/C-P for the southerly 8.52± acres of the project site, and from R-R to R-3 for the northerly 11.69± acres.

**PASSED, APPROVED AND ADOPTED** this 6th day of January 2016, by the following vote:

AYES.

NOES:

ABSENT:

ABSTAINED:

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Veronica Langworthy  
Planning Commission Chairman

**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 C - EXHIBIT 1**

**Draft City Council Ordinance for  
Change of Zone No. 14-0040**

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

**AN ORDINANCE OF CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, APPROVING A CHANGE OF ZONE (PLANNING APPLICATION NO. 14-0040) FROM R-R TO C-1/C-P FOR THE SOUTHERLY 8.52± ACRES OF THE PROJECT SITE, AND FROM R-R TO R-3 FOR THE NORTHERLY 11.69± ACRES OF THE SITE FOR THE HORIZONS MIXED-USE DEVELOPMENT PROJECT LOCATED AT THE NORTHWEST CORNER OF ELIZABETH LANE AND PRIELIPP ROAD (APN: 380-250-023)**

**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 \_\_\_\_\_, 2016, 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. 14-0040 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 Section 65855 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 Business Park (BP) to Commercial Retail (CR) on the southerly 8.52± acres of the project site, and to High Density Residential (HDR) on the northerly 11.69± acres of the site. With the approval of the proposed general plan

amendment, the proposed Change of Zone from R-R to C-1/C-P for the southerly 8.52± acres of the project site, and from R-R to R-3 for the northerly 11.69± acres of the site is in conformance with the proposed Business Park and Commercial Retail land use designations, respectively as each is intended for the proposed development of townhouses and Senior Assisted Living Facility. The proposed townhouse project will have an density of 11.8 units/acre which falls within the HDR density range of 8 – 14 units/acre. As the R-3 (General Residential) zone in intended to allow the development of multi-family attached townhouse dwellings subject to a plot plan approval, and the project density is proposed at 11.8 units/acre, the Change of Zone for the townhouse site is consistent with the General Plan land use designation of HDR. In regard to the Senior Assisted Living Facility, this use in the C-1/C-P zone is consistent with the land use policies and development standards.

Further, the Horizons Mixed-Use Development project, upon approval of the proposed GPA, is consistent with, and implements, the following goals and polices of the General Plan:

- LU 2.1 The proposed townhouse and Senior Assisted Living Facility 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 townhouse and Senior Assisted Living Facility 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 townhouse and Senior Assisted Living Facility 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 townhouse and Senior Assisted Living Facility 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 townhouse and Senior Assisted Living Facility 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 townhouse and Senior Assisted Living Facility project are designed to consider the surrounding areas to visually enhance, and not degrade, the appearance of adjacent residential structures.

- LU 23.1 The proposed land use amendment resulting in the Senior Assisted Living Facility is properly located and designated for commercial development in accordance with the General Plan.
- LU 23.8 The proposed land use amendment resulting in the Senior Assisted Living Facility is part of a mixed use development in a commercially designated area that will provide needed services and jobs for the Wildomar community in accordance with the General Plan.
- H-1.1 The proposed townhouse project will help ensure a sufficient supply of properly planned 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 townhouse 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. 14-0040 from R-R to C-1/C-P for the southerly 8.52± acres of the project site, and from R-R to R-3 for the northerly 11.69± acres of the site located at the northwest corner of Elizabeth Lane and Prielipp Road, otherwise known as APN: 380-250-023 and as illustrated in Exhibit 1 of this Ordinance.

**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 \_\_\_\_\_, 2016.

\_\_\_\_\_  
Bridgette Moore  
Mayor

**APPROVED AS TO FORM:**

**ATTEST:**

\_\_\_\_\_  
Thomas D. Jex  
City Attorney

\_\_\_\_\_  
Debbie A. Lee, CMC  
City Clerk

# EXHIBIT 1

## Horizons Zone Change Boundary Exhibit

