

ATTACHMENT C

PC Resolution No. 2016-08

Change of Zone 14-0069

PC RESOLUTION NO. 2016-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA, RECOMMENDING CITY COUNCIL APPROVAL OF A CHANGE OF ZONE (PLANNING APPLICATION NO. 14-0069) TO CHANGE THE ZONING DESIGNATION TO C-P-S (SCENIC HIGHWAY COMMERCIAL) ON A PORTION OF THE PROJECT SITE TO ACCOMMODATE THE GROVE PARK MIXED-USE DEVELOPMENT PROJECT LOCATED AT THE SOUTHWEST CORNER OF CLINTON KEITH ROAD AND YAMAS DRIVE (APN: 380-250-003)

WHEREAS, the Planning Department has received a Change of Zone (PA No. 14-0069) to change the zoning designation to C-P-S (Scenic Highway Commercial) on a portion of the project site from:

Applicant/Owner:	Strata Keith, LLC (Eric Flodine, Project Manager)
Project Location:	SWC of Clinton Keith Road and Yamas Drive
APN:	380-250-003
Total Project Area:	19.3± acres

WHEREAS, the Planning Commission of the City of Wildomar, California, has the authority to review the proposed Grove Park Mixed-Use Change of Zone No. 14-0069 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 Grove Park 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 Grove Park Mixed-Use 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 CEQA Guideline 15060(d); and,

WHEREAS, the Planning Department on December 22, 2014 provided a Notice of Preparation (NOP) for the Grove Park Mixed-Use Development project EIR and released the NOP for the required 30-day public review/comment period which began on December 22, 2014 and concluded on January 26, 2015 in accordance with Section 15082 of the CEQA Guidelines during which time the City received eight (8) agency/public comments; and

WHEREAS, the Planning Department conducted a public scoping meeting concerning the proposed project and Draft EIR on January 19, 2015 in accordance with Section 15082 of the CEQA Guidelines; and

WHEREAS, The Planning Department on June 12, 2015 prepared and circulated a 2nd Notice of Preparation (NOP) notifying the public of the revised NOP resulting from changes to the proposed Grove Park project. This began a 2nd 30-day public review/comment period that began on June 12, 2015 and concluded on July 13, 2015 in accordance with Section 15082 of the CEQA Guidelines during which time the City received five (5) agency/public comments; and

WHEREAS, the Planning Department conducted a 2nd public scoping meeting concerning the proposed project and Draft EIR on June 29, 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 September 3, 2015 notifying the State of the availability of the Grove Park 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 September 3, 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 Grove Park Mixed-Use Draft EIR (SCH# 2014121064); and

WHEREAS, the Draft EIR for the Grove Park 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 September 3, 2015 and concluding on October 19, 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 five (5) public comments on the Grove Park Mixed-Use Development project Draft EIR; and

WHEREAS, the Planning Department has prepared a Final EIR for the Grove Park Mixed-Use Development project in accordance with CEQA Guidelines, which includes responses to each of the five (5) 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 January 6, 2016 Planning Commission meeting in accordance with CEQA Guidelines; and

WHEREAS, in accordance with Government Code Sections 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. 14-0069 that would be considered by the City of Wildomar Planning Commission; and

WHEREAS, in accordance with Government Code Sections 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. 14-0069 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. 14-0069, and at which time the Planning Commission received public testimony concerning Change of Zone No. 14-0069.

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. 14-0069) 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 Grove Park 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 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 general plan land use designation to Commercial Retail (CR) on the portion of the project site proposed for commercial/office use. The Grove Park 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 commercial retail portion of the 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 commercial retail portion of the 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 commercial retail portion of the project will be developed in accordance with the proposed General Plan land use designation that ensures compatibility and minimizes impacts.
- LU 23.1 The proposed land use amendment resulting in the commercial retail portion of the project is properly located and designated for commercial development in accordance with the General Plan.
- LU23.6 The proposed commercial portion of the project will have proper mitigation measures to protect the neighboring residential areas from Noise, light, fumes , odors, vehicular traffic , parking and operational hazards.
- LU23.7 The proposed commercial portion of the project will be served by water and sewer along Clinton Keith Road to meet the projects demands.
- LU 23.8 The proposed land use amendment will provide needed services and jobs for the Wildomar community in accordance with the General Plan.

SECTION 4. PLANNING COMMISSION ACTION.

The Planning Commission, based on the findings above, hereby adopts PC Resolution No. 2016-08 recommending City Council adoption of an Ordinance (attached hereto and incorporated herein by reference as Exhibit 1) approving Change of Zone No. 14-0069 as depicted on Exhibit 1 to the Ordinance.

PASSED, APPROVED AND ADOPTED this 6th day of January 2016, 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. 14-0069**

DRAFT ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, APPROVING A CHANGE OF ZONE (PLANNING APPLICATION NO. 14-0069) TO CHANGE THE ZONING DESIGNATION TO C-P-S (SCENIC HIGHWAY COMMERCIAL) ON A PORTION OF THE PROJECT SITE TO ACCOMMODATE THE GROVE PARK MIXED-USE DEVELOPMENT PROJECT LOCATED AT THE SOUTHWEST CORNER OF CLINTON KEITH ROAD AND YAMAS DRIVE (APN: 380-250-003)

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. 14-0069 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 65856 and 65857 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 general plan land use designation to Commercial Retail (CR) on the portion of the project site proposed for commercial/office use. The Grove Park 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 commercial retail portion of the 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 commercial retail portion of the 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 commercial retail portion of the project will be developed in accordance with the proposed General Plan land use designation that ensures compatibility and minimizes impacts.
- LU 23.1 The proposed land use amendment resulting in the commercial retail portion of the project is properly located and designated for commercial development in accordance with the General Plan.
- LU23.6 The proposed commercial portion of the project will have proper mitigation measures to protect the neighboring residential areas from Noise, light, fumes , odors, vehicular traffic , parking and operational hazards.
- LU23.7 The proposed commercial portion of the project will be served by water and sewer along Clinton Keith Road to meet the projects demands.
- LU 23.8 The proposed land use amendment will provide needed services and jobs for the Wildomar community in accordance with the General Plan.

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. 14-0069 on the project site located at the southwest corner of Clinton Keith Road Lane and Yamas Drive, otherwise known as APN: 380-250-003, as illustrated in Exhibit 1 to 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 Zone Change Boundary Exhibit

