

ATTACHMENT A

PC Resolution No. 2016-14

PC RESOLUTION NO. 2016-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING & REPORTING PROGRAM FOR THE CLINTON KEITH RETAIL PROJECT (PLANNING APPLICATION NO. 15-0013) LOCATED AT THE NORTHEAST CORNER OF GEORGE AVENUE AND CLINTON KEITH ROAD (APN: 362-250-003).

WHEREAS, an application for Conditional Use Permit and Plot Plan (Planning Application No. 15-0013) to establish a 7-Eleven gas station and a 40,120± square-foot commercial/retail center has been filed by:

Applicant / Owner:	George Clinton Keith Development, LLC
Authorized Agent:	Reza Kassraian, Project Manager
Project Location:	NEC of George Avenue and Clinton Keith Road
APN Number:	362-250-003
Lot Area:	5.85± acres

WHEREAS, the proposed Conditional Use Permit and Plot Plan applications are considered a “project” as defined by the California Environmental Quality Act, Public Resources Code § 21000 et seq. (“CEQA”); and

WHEREAS, after completion of an Initial Study, the Planning Director determined that it did not identify any potentially significant effects on the environment nor was there any substantial evidence from which it could be fairly argued that the project would have a significant effect on the environment with proper mitigation; and

WHEREAS, the proposed Mitigated Negative Declaration consists of the following documents: Initial Study, Mitigated Negative Declaration, Mitigation Monitoring & Reporting Program, and applicable Technical Appendices; and

WHEREAS, using a method prescribed under CEQA Guidelines Section 15072, on February 17, 2016, the Planning Department posted a Notice of Intent (NOI) with the Riverside County Clerk, published a Notice of Availability (NOA) in the Press Enterprise, a local newspaper of general circulation, and mailed said Notice of Availability (NOA) to agencies and interested persons, notifying the public of the 30-day public review/comment period for the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring & Reporting Program for the proposed project; and

WHEREAS, using a method required under CEQA Guidelines Section 15072, the City on February 17, 2016 provided a Notice of Intent (NOI) to the Riverside County Clerk, a Notice of Availability (NOA) to the State Clearing (OPR), and a legal notice to the Press Enterprise, a local newspaper of general circulation, and the City’s local distribution list, notifying the public of the 30-day review/comment period for the Clinton Keith Village Retail project draft Initial Study/Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring & Reporting Program (MMRP); and

WHEREAS, in accordance with CEQA and the City's Local CEQA Guidelines & Procedures, the Clinton Keith Village draft Initial Study/Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring & Reporting Program (MMRP) was made available for the required 30-day public review/comment period which commenced on February 17, 2016 and concluded on March 17, 2016. Further, said IS/MND & MMRP was made available for public review by posting said document at Wildomar City Hall (Planning Department) and on the City of Wildomar Environmental Documents Center website; and

WHEREAS, during the 30-day public review period, the City received one (1) written comment letter from the "Inland Empire Biking Alliance" concerning the proposed Initial Study/Mitigated Negative Declaration and Mitigation Monitoring & Reporting Program and at which time the Planning Department revised the draft Initial Study/Mitigated Negative Declaration; and

WHEREAS, in accordance with Government Code Sections 65090 and Wildomar Municipal Code Chapters 17.200.040, 17.216.050 and 17.248.030, the Planning Department on May 4, 2016 mailed a public hearing notice to all property owners within a 1000-foot radius of the project boundaries notifying said property owners of the date and time of the scheduled public hearing for which the Clinton Keith Village Retail project Initial Study/Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring & Reporting Program (MMRP) would be considered by the Planning Commission; and

WHEREAS, in accordance with Government Code Sections 65090 and Wildomar Municipal Code Chapters 17.200.040 and 17.216.050, the Planning Department, on May 6, 2016 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 date and time of the scheduled public hearing for which the Clinton Keith Village Retail project Initial Study/Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring & Reporting Program (MMRP) would be considered by the Planning Commission; and

WHEREAS, in accordance with Government Code Section 65353 and Wildomar Municipal Code Chapters 17.200 and 17.216, the Planning Commission of the City of Wildomar on May 18, 2016 held a public hearing at which time the Planning Commission received public testimony from interested persons in support of, or opposition to, the proposed Clinton Keith Village Retail project Initial Study/Mitigated Negative Declaration (IS/MND) & Mitigation Monitoring & Reporting Program (MMRP).

NOW THEREFORE, the Planning Commission of the City of Wildomar does hereby resolve, determine, order as follows:

SECTION 1. CEQA FINDINGS

The Planning Commission, in light of the whole record before it including but not limited to the staff report, proposed Initial Study/Mitigated Negative Declaration,

Technical Studies/Appendices, Mitigation Monitoring & Reporting Program and Response to Comments (attached hereto this Resolution as Exhibits 1 – 4), documents incorporated herein by reference, 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, find and determines as follows:

- A. Review Period: That the City has provided the public review period for the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring & Reporting Program for the required 30-day public review period required by CEQA Guidelines Sections 15073 and 15105.
- B. Compliance with Law: That the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring & Reporting Program were prepared, processed, and noticed in accordance with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), the CEQA Guidelines (14 California Code of Regulations Section 15000 et seq.).
- C. Independent Judgment: That the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring & Reporting Program reflects the independent judgment and analysis of the City.
- D. Mitigation Monitoring & Reporting Program: That the Mitigation Monitoring & Reporting Program is designed to ensure compliance during project implementation in that changes to the project and/or mitigation measures have been incorporated into the project and are fully enforceable through permit conditions, agreements or other measures as required by Public Resources Code Section 21081.6.
- E. No Significant Effect: That revisions made to the project as agreed to by the applicant and mitigation measures imposed as conditions of approval on the project avoid or mitigate any potential significant effects on the environment identified in the Initial Study to a point below the threshold of significance. Furthermore, after taking into consideration the revisions to the project and the mitigation measures imposed, the Planning Department recommends the Planning Commission find that there is no substantial evidence, in light of the whole record, from which it could be fairly argued that the project may have a significant effect on the environment. Therefore, the Planning Department recommends the Planning Commission conclude that the project will not have a significant effect on the environment with the proposed Mitigation Measures and Mitigation Monitoring & Reporting Program.

SECTION 2. MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP)

The Clinton Keith Village Retail 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. PLANNING COMMISSION ACTIONS.

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

1. Adoption of a Mitigated Negative Declaration: The Planning Commission hereby adopts the Initial Study/Mitigated Negative Declaration (with Appendices), Mitigation Monitoring & Reporting Program, and Response to Comments for Conditional Use Permit and Plot Plan No. 15-0013 provided herein and attached hereto this Resolution as Exhibit 1, 2, 3, and 4.
2. File a Notice of Determination: In compliance with Public Resources Code § 21152 and CEQA Guidelines § 15075, the Planning Commission hereby directs the Planning Director to prepare a Notice of Determination (NOD) and file with the Riverside County Clerk said NOD for posting concerning the adoption of the Clinton Keith Village Retail project Initial Study/Mitigated Negative Declaration and MMRP within five (5) working days of project approval.
3. Location: The Initial Study/Mitigated Negative Declaration and Mitigation Monitoring & Reporting Program and all CEQA documents for Conditional Use Permit and Plot Plan No. 15-0013 and all documents incorporated therein or forming the record of decision therefore, shall be filed with the Wildomar Planning Department at the Wildomar City Hall, 23873 Clinton Keith Road, Suite 201, Wildomar, California 92595, and shall be made available for public review upon request.

PASSED, APPROVED AND ADOPTED this 18th day of May 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

EXHIBIT 1

Clinton Keith Village IS-MND Doc (Under Separate Cover)

EXHIBIT 2

Clinton Keith Village Technical Appendices (Under Separate Cover)

-  Item 2.1 - Attach A-Ex 2 - Appendix 1 - Dev Plans Package
-  Item 2.1 - Attach A-Ex 2 - Appendix 2 - Air Quality-SummerWinter
-  Item 2.1 - Attach A-Ex 2 - Appendix 3.1 - Bio-Burrowing Owl Survey
-  Item 2.1 - Attach A-Ex 2 - Appendix 3.2 - Bio-CNDDDB-Results
-  Item 2.1 - Attach A-Ex 2 - Appendix 3.3 - Bio-CNPS-Results
-  Item 2.1 - Attach A-Ex 2 - Appendix 3.4 - Bio-MSHCP-Report
-  Item 2.1 - Attach A-Ex 2 - Appendix 3.5 - Bio Rept-Table4-1
-  Item 2.1 - Attach A-Ex 2 - Appendix 3.6 - Bio-USFW-Results
-  Item 2.1 - Attach A-Ex 2 - Appendix 4 - Cultural Resources Report
-  Item 2.1 - Attach A-Ex 2 - Appendix 5.1 - Geo Fault Hazard Rept
-  Item 2.1 - Attach A-Ex 2 - Appendix 5.2 - Geo Tech Study-Original
-  Item 2.1 - Attach A-Ex 2 - Appendix 5.3 - Geo Tech Update Letter
-  Item 2.1 - Attach A-Ex 2 - Appendix 6 - Greenhouse Gas Report
-  Item 2.1 - Attach A-Ex 2 - Appendix 7 - Hazards-Phase 1 ESA-Update
-  Item 2.1 - Attach A-Ex 2 - Appendix 8.1 - Hydrology Report
-  Item 2.1 - Attach A-Ex 2 - Appendix 8.2 - Hydrology-WQMP Report
-  Item 2.1 - Attach A-Ex 2 - Appendix 9 - Traffic Impact Analysis Rept

EXHIBIT 3

**Clinton Keith Village – Response to Comments
(Under Separate Cover)**

EXHIBIT 4

**Clinton Keith Village – MMRP
(Under Separate Cover)**