

ATTACHMENT A

Baxter Village Mixed-Use Project

**Environmental Impact Report
Council Resolution**

RESOLUTION NO. 2016-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, CERTIFYING AN ENVIRONMENTAL IMPACT REPORT (SCH# 2014121047), INCLUDING ADOPTION OF THE FINAL EIR, FINDINGS OF FACT, STATEMENT OF OVERRIDING CONSIDERATIONS AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE BAXTER VILLAGE MIXED-USE PROJECT (PLANNING APPLICATION NO. 14-0002) CONSISTING OF A GENERAL PLAN AMENDMENT, CHANGE OF ZONE, TENTATIVE TRACT MAP (TTM 36674) AND PLOT PLAN ON APPROXIMATELY 35.48 ACRES LOCATED AT THE NORTHWEST CORNER OF BAXTER ROAD AND I-15 FREEWAY (APN: 367-180-015 & 367-180-043)

WHEREAS, the Planning Department has received a development application from:

Applicant/Owner: Strata Baxter, LLC (Eric Flodine, Project Manager)
Project Location: Northwest corner of I-15 Freeway and Baxter Road
APN: 367-180-015 & 367-180-043
Project Area: 35.48± acres

WHEREAS, the proposed Baxter Village Mixed-Use development project consists of the following applications for review and consideration by the City Council 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 for the entire site from Mixed Use Planning Area (MUPA) to Medium High Density Residential (MHDR), Very High Density Residential (VHDR) and Commercial Retail (CR) to accommodate the proposed project;
- 3) Change of Zone (CZ) - The proposed project requires the approval of a change of zone to change to remove the Mixed-Use Overlay District from the entire site and to change the existing zoning designation on a portion of the site from Scenic Highway Commercial (C-P-S) to R-3 (General Residential), and R-4 (Planned Residential) to accommodate proposed project;
- 4) Tentative Tract Map (TTM No. 36674) - The proposed project requires the approval of a tentative tract map to subdivide the 35.48± acre site into 85 lots to accommodate the commercial retail, single family residential and multi-family residential elements of the proposed project; and

- 5) Plot Plan (PP) - The proposed project requires the approval of a plot plan to develop the Baxter Village Mixed-Use project consisting of a 75,000 square-foot commercial retail center, 66 single family dwelling units and 204 multi-family apartments with related on-site/off-site improvements and amenities.

WHEREAS, the proposed Baxter Village Mixed-Use Development project is considered a “project” as defined by the California Environmental Quality Act, Public Resources Code § 21000 et seq. (“CEQA”); and

WHEREAS, the City Council has the authority and has reviewed the proposed Baxter Village Mixed-Use development project in accordance with the California Government Code, Sections 65353 and 65854, 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 Baxter Village 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 15, 2014 provided a Notice of Preparation (NOP) for the Baxter Village Mixed-Use Development project EIR and released the NOP for the required 30-day public review/comment period which began on December 15, 2014 and concluded on January 19, 2015 in accordance with Section 15082 of the CEQA Guidelines during which time the City received four agency/public comments; and

WHEREAS, the Planning Department conducted a public scoping meeting concerning the proposed project and Draft EIR on January 12, 2015 in accordance with Section 15082 of the CEQA Guidelines; and

WHEREAS, due to changes to the proposed project, the Planning Department on June 11, 2015 prepared and circulated a 2nd Notice of Preparation (NOP) notifying the public of the revised NOP resulting from changes to the proposed Baxter Village project. This began a 2nd 30-day public review/comment period that began on June 11, 2015 and concluded on July 10, 2015 in accordance with Section 15082 of the CEQA Guidelines during which time the City received four 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 December 30, 2015 notifying

the State of the availability of the Baxter Village 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 December 30, 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 Baxter Village Mixed-Use Draft EIR; and

WHEREAS, the Draft EIR for the Baxter Village 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 December 30, 2015 and concluding on February 12, 2016, 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 seven public comment letters on the Baxter Village Mixed-Use Development project Draft EIR; and

WHEREAS, the Planning Department has prepared a Final EIR for the Baxter Village Mixed-Use Development project in accordance with CEQA Guidelines, which includes responses to each of the seven public comment letters 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 July 13, 2016 City Council meeting in accordance with CEQA Guidelines; and

WHEREAS, the Baxter Village Mixed-Use development project EIR consists of the following documents included as Exhibits to this Resolution as follows:

- Exhibit 1 – Baxter Village Mixed-Use Development project Draft Environmental Impact Report (SCH# 2014121047);
- Exhibit 2 - Baxter Village Mixed-Use Development project Technical Appendices.
- Exhibit 3 – Baxter Village Mixed-Use Development project Final Environmental Impact Report.
- Exhibit 4 – Baxter Village Mixed-Use Development project Environmental Impact Report Findings of Fact and Statement of Overriding Considerations.
- Exhibit 5 – Baxter Village Mixed-Use Development project Mitigation Monitoring and Reporting Program (MMRP).

WHEREAS, the Wildomar Planning Department, on June 28, 2016, 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 July 13, 2016 public

hearing on the Baxter Village Mixed-Use development project EIR that would be considered by the City Council; and

WHEREAS, the Wildomar Planning Department, on July 1, 2016 published a legal notice in the Press Enterprise, a local newspaper of general circulation, notifying the general public of the holding of the July 13, 2016 a public hearing for the Baxter Village Mixed-Use development project EIR that would be considered by the Wildomar City Council; and

WHEREAS, the City of Wildomar City Council conducted the duly noticed public hearing on July 13, 2016, at which time interested persons had an opportunity to testify in support of, or opposition to, the proposed Baxter Village Mixed-Use development project EIR, and at which time the City Council received public testimony concerning the project 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, Technical Appendices, FEIR, Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program (Exhibits 1 - 5) 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 as follows:

1. Preparation of EIR: An Environmental Impact Report was prepared for the Baxter Village Mixed-Use development 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/comment for the required 45-day period of time commencing on December 30, 2015 and concluding on February 12, 2016.

4. Response to Comments: The City has responded to all seven public comment letters received during the public review/comment period and included both the comments and the responses to the comments as part of the Final EIR included as Exhibit 3 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/or the imposition of mitigation measures. Based thereon, the City Council further finds 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 five 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 and Reporting Program included as Exhibit 5 to this Resolution to track compliance with these changes, alterations, and mitigation measures identified in the Baxter Village Mixed-Use development project EIR.
 - e) For the five (5) unavoidable impacts (Impact 4.16.6.1 – 4.16.6.5), specific economic and legal considerations make infeasible the mitigation measures identified in the FEIR, as set forth in Exhibit 4 to the Resolution.
6. Statement of Overriding Considerations: Approval of the project will result in five (5) unavoidable environmental impacts (Impact 4.16.6.1 – 4.16.6.5) that cannot be mitigated; however, all other impacts have been mitigated through changes, alterations and mitigation measures to a less than significant level. Pursuant to Section 15093 of the CEQA Guidelines, the City Council hereby adopts a Statement of Overriding Considerations for the unavoidable transportation/traffic impacts as set forth in Exhibit 4 to the Resolution.
7. Independent Judgment: The EIR 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, upon recommendation of the Planning Commission 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 certify the Environmental Impact Report (SCH# 2014121047) for the Baxter Village Mixed-Use development project.
2. Approve and Adopt the Mitigation Monitoring and Reporting Program: The City Council approves and adopts the Mitigation Monitoring and Reporting Program (MMRP) for the Baxter Village Mixed-Use Development project EIR.
3. Notice of Determination: The City Council, in compliance with Public Resources Code § 21152 and CEQA Guidelines § 15094, directs the Planning Director to prepare a Notice of Determination (NOD) concerning certification of the Baxter Village Mixed-Use development project EIR, and within five working days of City Council approval, file the NOD with the Riverside County Clerk for posting along with the appropriate Fish & Game fees.
4. Location: The City Council directs that the Final Environmental Impact Report (SCH# 2014121047) and all documents incorporated therein and forming the record of decision therefore 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 13th day of July, 2016.

Bridgette Moore
Mayor

APPROVED AS TO FORM:

ATTEST:

Thomas D. Jex
City Attorney

Debbie A. Lee, CMC
City Clerk

EXHIBIT 1

Baxter Village Draft Env. Impact Report (DEIR)

(Under Separate Cover)

EXHIBIT 2

Baxter Village DEIR Technical Appendices

(Under Separate Cover)

-  Item 2.1 - Attach A-Ex 2 - Appendix A-1 - Notice of Preparation
-  Item 2.1 - Attach A-Ex 2 - Appendix B-1 - NOP Response Letters
-  Item 2.1 - Attach A-Ex 2 - Appendix C-1 - Project Info - A
-  Item 2.1 - Attach A-Ex 2 - Appendix C-2 - Project Info - B
-  Item 2.1 - Attach A-Ex 2 - Appendix D-1 - Air Quality Analysis
-  Item 2.1 - Attach A-Ex 2 - Appendix D-2 - Greenhouse Gas Analysis
-  Item 2.1 - Attach A-Ex 2 - Appendix D-3 - Health Risk Assessment
-  Item 2.1 - Attach A-Ex 2 - Appendix D-4 - CalEEMod
-  Item 2.1 - Attach A-Ex 2 - Appendix E-1 - DBESP
-  Item 2.1 - Attach A-Ex 2 - Appendix E-2 - Bio Res Assessment
-  Item 2.1 - Attach A-Ex 2 - Appendix F-1 - Cultural Resources Report
-  Item 2.1 - Attach A-Ex 2 - Appendix F-2 - Brown House Barn Photo
-  Item 2.1 - Attach A-Ex 2 - Appendix F-3 - BrownHouse Email 1990
-  Item 2.1 - Attach A-Ex 2 - Appendix F-4 - BrownHouse Pages 1 and 2
-  Item 2.1 - Attach A-Ex 2 - Appendix F-5 - BrownHouse Photo Wildomar
-  Item 2.1 - Attach A-Ex 2 - Appendix F-6 - Env Assess-Brown House
-  Item 2.1 - Attach A-Ex 2 - Appendix F-7 - Hist Resource Rpt
-  Item 2.1 - Attach A-Ex 2 - Appendix F-8 - Brown House Summary
-  Item 2.1 - Attach A-Ex 2 - Appendix F-9 - Brown House summary notes
-  Item 2.1 - Attach A-Ex 2 - Appendix G-1 - Prelim Geotech Rept
-  Item 2.1 - Attach A-Ex 2 - Appendix H-1 - Phase I ESA
-  Item 2.1 - Attach A-Ex 2 - Appendix H-2 - Phase II ESA
-  Item 2.1 - Attach A-Ex 2 - Appendix I-1 - Prelim Hydrology Rpt
-  Item 2.1 - Attach A-Ex 2 - Appendix I-2 - Preliminary WQMP
-  Item 2.1 - Attach A-Ex 2 - Appendix J-1 - Noise Report
-  Item 2.1 - Attach A-Ex 2 - Appendix K-1 - Traffic Impact Analysis
-  Item 2.1 - Attach A-Ex 2 - Appendix K-2 - Traffic Appendices
-  Item 2.1 - Attach A-Ex 2 - Appendix K-3 - Trip Gen Alternatives

EXHIBIT 3

**Baxter Village Project FEIR
(Under Separate Cover)**

EXHIBIT 4

**Baxter Village EIR Findings of Fact/Overriding Considerations
(Under Separate Cover)**

EXHIBIT 5

**Baxter Village Mitigation Monitoring and Reporting Program
(Under Separate Cover)**