

ATTACHMENT B

Baxter Village Mixed-Use Project

GPA No. 14-0002 Council Resolution

RESOLUTION NO. 2016-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, APPROVING A GENERAL PLAN AMENDMENT (PLANNING APPLICATION NO. 14-0002) TO CHANGE THE EXISTING LAND USE DESIGNATION ON APPROXIMATELY 35.48 ACRES FROM MIXED USE PLANNING AREA (MUPA) TO MEDIUM HIGH DENSITY RESIDENTIAL (MHDR), VERY HIGH DENSITY RESIDENTIAL (VHDR) AND COMMERCIAL RETAIL (CR) TO ACCOMMODATE BAXTER VILLAGE MIXED-USE PROJECT (PLANNING APPLICATION NO. 14-0002) 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 an application for a General Plan Amendment (PA No. 14-0002) to change the general plan land use designation on the project site 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 City Council has the authority to review General Plan Amendment No. 14-0002 for the Baxter Village Mixed-Use project in accordance with the California Government Code, Section 65353 and the City of Wildomar Municipal Code, Title 17, Section 17.08.100; and

WHEREAS, the proposed Baxter Village 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 Baxter Village 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 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 (4) 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 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 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, in accordance with Government Code Sections 65353, and Chapter 17.08.100 of the Zoning Ordinance, the 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 date and time of the public hearing for General Plan Amendment No. 14-0002 that would be considered by the City Council; and

WHEREAS, in accordance with Government Code Sections 65353, and Chapter 17.08.100 of the Zoning Ordinance, the City of Wildomar Planning Department on July 1, 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 holding of a public hearing for General Plan Amendment No. 14-0002 that would be considered by the City Council; and

WHEREAS, in accordance with Government Code Section 65353 and Chapter 17.08.100 of the Zoning Ordinance, the City of Wildomar City Council conducted the duly noticed public hearing on July 13, 2016, at which time all interested persons had an opportunity to testify in support of, or opposition to, the proposed General Plan Amendment, and at which time the City Council received public testimony concerning General Plan Amendment No. 14-0002.

NOW, THEREFORE, the City Council of the City of Wildomar does hereby resolve, determine and order as follows:

SECTION 1. CEQA:

The approval of General Plan Amendment No. 14-0002 (Baxter Village Mixed-Use project) is in compliance with requirements of the California Environmental Quality Act ("CEQA"), in that on July 13, 2016, at a duly noticed public hearing, the City Council certified the Environmental Impact Report (EIR) and adopted the Mitigation Monitoring & Reporting Program for General Plan Amendment No. 14-0002 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 proposed General Plan Amendment No. 14-0002 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. GENERAL PLAN AMENDMENT FINDINGS.

Pursuant to Government Code Section 65350 – 65362 and Chapter 17.08.040(F)(2) of the Zoning Ordinance, the City Council hereby makes the following findings to approve General Plan Amendment No. 14-0002:

- A. The proposed change does not involve a change in or conflict with the City of Wildomar Vision, any general planning principles in Appendix B to the General Plan, or any Foundation Component designation in the General Plan.

Evidence: The proposed land use amendment for the Baxter Village Mixed-Use project does not involve a change in or conflict with the City of Wildomar Vision (Chapter 2 of the Gen. Plan), any general planning principles in Appendix B to the General Plan, or any Foundation Component designation in the General Plan in that both the current and the proposed land use designations (CR, MHDR and VHDR) fall within the “Community Development” Foundation Component of the General Plan. Thus, the proposed land use designation changes do not conflict with the property’s “Community Development” Foundation Component designation.

Further, the Vision outlined in Chapter 2 of the General Plan states that each element of the General Plan contains a description of how it implements the Vision in the form of specific policies related to each element (page V-2). Thus, consistency with specific General Plan policies demonstrates consistency with the vision. The proposed Baxter Village Mixed-Use project achieves the vision as it is consistent with those land use and housing policies discussed in Finding B below. Finally, the proposed general plan amendments are consistent with the general planning principles set forth in Appendix B to the General Plan, in that Appendix B encourages compact, higher density development (App. B, Sec. I.G.) and the development of new housing in a manner that encourages a wide range of housing choices (i.e., ownership & rentals) within the City (App. B, Sec. I.D.). Further, Appendix B encourages commercial related development that provides support services and jobs for the Wildomar community.

- B. The proposed amendment would either contribute to the purposes of the General Plan or, at a minimum, would not be detrimental to them.

Evidence: The proposed general plan amendment will contribute to the purposes of the General Plan and will not be detrimental in that as part of the DEIR and development review process it was determined that the proposed CR, MHDR and VHDR land use designation resulting in the development of commercial retail and residential uses did not require any changes to other Elements of the Wildomar General Plan. Therefore, the proposed general plan amendments result in the project being internally consistent.

The proposed land use changes furthers the following land use and housing element policies related to the proposed project:

- LU 2.1 The proposed 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 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 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 residential portions of the 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 residential portions of the 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 residential portions of the 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 commercial retail portion of the project is properly located and designated for commercial development in accordance with the General Plan.
- LU23.6 The proposed 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 project will be served by water and sewer along provided by EVMWD to meet the project demands.
- LU 23.8 The proposed project will provide needed services and jobs for the Wildomar community in accordance with the General Plan.
- H-1.1 The proposed single family and multi-family project areas 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 single family and multi-family project areas 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.

In addition, the City of Wildomar's adopted 2013-2021 Housing Element includes Policy H-1 ["Ensure there is a sufficient supply of multi-family and single-family zoned land to meet the housing needs identified in the Regional Housing Needs Allocation (RHNA)"]. Per state law, land must be able to be developed at a density of 30 units per acre to be considered affordable to low, very low or extremely low income households. The City's RHNA for low, very low and extremely low income households is 1,574 units.

In furtherance of Policy H-1, the City re-designated 25.96 acres as Highest Density Residential (HHDR), which allows for development at 30 units per acre. Assuming only 80% of the HHDR land can actually be developed, this results in a development potential of 623 units at 30 units per acre. In addition, the City created a mixed use overlay zone and applied the zone to all but one of the properties within the City that already had a Mixed Use General Plan land use designation (totaling 117 acres), including the Baxter Village project site. The Mixed Use Overlay requires 30% to 50% of the land to be developed with residential uses at a density of at least 30 units to the acre. The residential development potential on the Mixed Use land ranges from 1,053 units to 1,755 units at a density of 30 units per acre. Thus, the City's actions to implement Policy H-1 resulted in the potential for up to 2,378 units to be built that are affordable to low, very low and extremely low income households. This exceeds the City's RHNA for these income categories by 804 units.

The Baxter Village project would remove 35.54 acres of land from the 117 acres of Mixed Use land in the City, leaving 81.46 acres of Mixed Use land available to satisfy the City's RHNA. The remaining 81.46 acres of Mixed Use land could be developed with 733 to 1,222 units at 30 units to the acre. Therefore, a combined total of up to 1,845 units could be built on the 25.96 acres of HHDR and 81.46 acres of Mixed Use remaining in the City, which exceeds the City's RHNA for low, very low and extremely low income households by 271 units.

Therefore, the redesignation and rezoning of the Baxter Village project site does not conflict with Policy H-1 because the City is still able to satisfy its RHNA obligations with the remaining property in the City that is designated HHDR or Mixed Use.

- C. An amendment is required to expand basic employment job opportunities (jobs that contribute directly to the City's economic base) and that would improve the ratio of jobs-to-workers in the City.

Evidence: The existing Mixed Use Planning Area (MUPA) land use designation on the property requires between thirty and fifty percent of the site to be developed with residential uses at a density of thirty units per acre. The remainder of the site

could be developed with commercial and office uses. Development of the site under the requirements of the MUPA land use designation was determined to be infeasible, which means that the site would remain vacant and undeveloped without a General Plan Amendment. Approving the proposed General Plan Amendment would allow job-generating uses to be developed on this site, and therefore would increase the job opportunities available to City residents. An economic impact analysis prepared for the project estimates that 202 new permanent jobs will be created by the project, and 554 temporary construction jobs will be created.

SECTION 4. CITY COUNCIL ACTION.

The City Council, upon recommendation from the Planning Commission hereby approves General Plan Amendment No. 14-0002 to change the existing land use designations on the project site as illustrated herein, and attached hereto, in Exhibit 1 of this Resolution located at the northwest corner of the -15 Freeway and Baxter Road (APN: 367-180-015 & 367-180-043).

PASSED, APPROVED AND ADOPTED this 13th day of July, 2016.

Bridgette Moore
Mayor

APPROVED AS TO FORM:

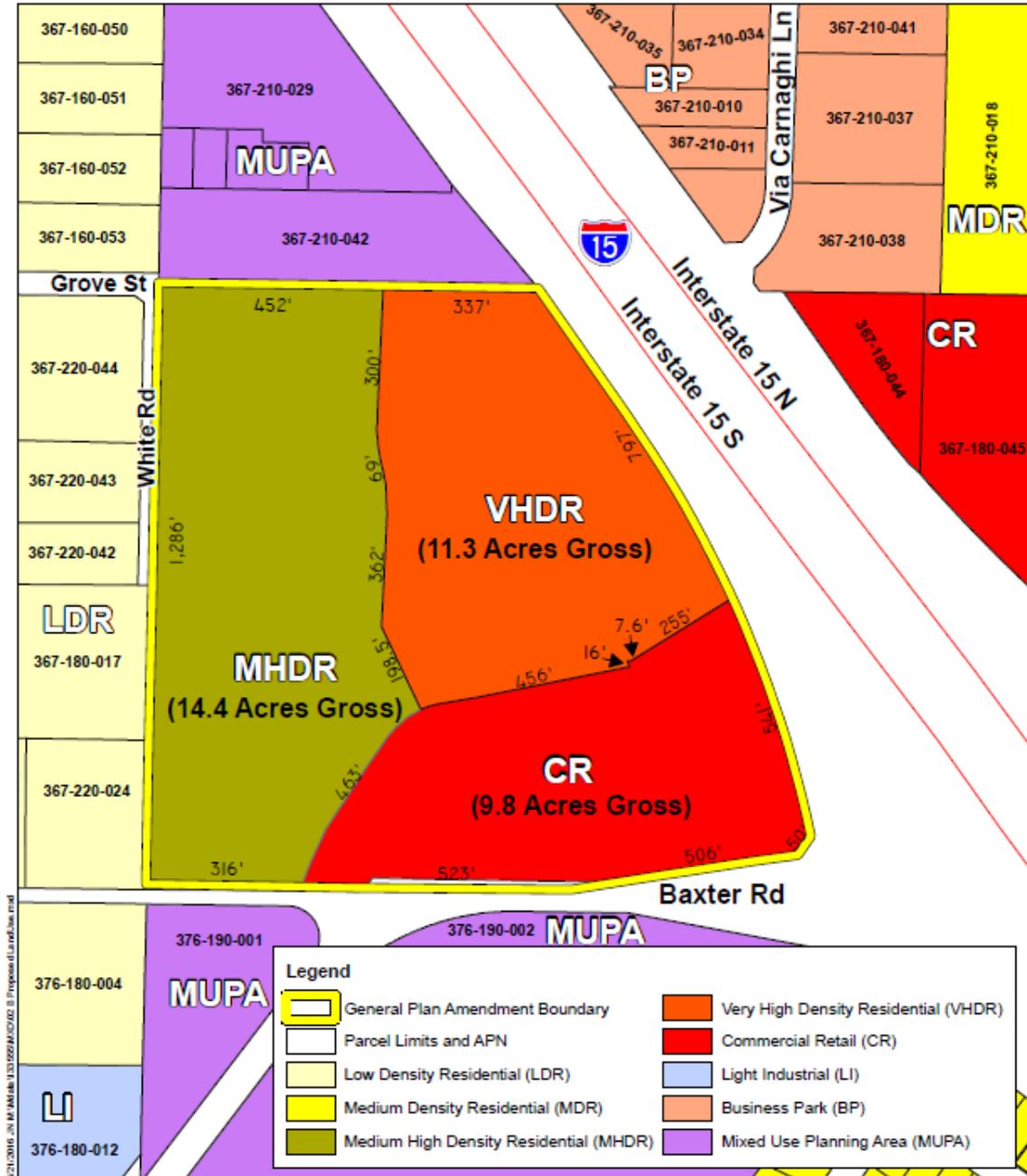
ATTEST:

Thomas D. Jex
City Attorney

Debbie A. Lee, CMC
City Clerk

EXHIBIT 1 OF ATTACHMENT B

GPA Boundary Exhibit



Planning Application No. 14-0002
 Tentative Tract Map No. 36674
 APPLICANT / LANDOWNER:
 STRATA BAXTER, LLC