

ATTACHMENT A

PC Resolution No. 2016-28

**Nova Homes Residential Project
Initial Study/Mitigated Negative Declaration**

PC RESOLUTION NO. 2016-28

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA, RECOMMENDING CITY COUNCIL ADOPTION OF A MITIGATED NEGATIVE DECLARATION (SCH# 2016081009), INCLUDING ADOPTION OF A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE NOVA HOMES RESIDENTIAL PROJECT (PLANNING APPLICATION NO. 15-0129) CONSISTING OF A GENERAL PLAN AMENDMENT, CHANGE OF ZONE, TENTATIVE TRACT MAP (TTM 36952) AND PLOT PLAN ON APPROXIMATELY 11.25 ACRES LOCATED ON THE EAST SIDE OF GEORGE AVENUE ABOUT 660 FEET NORTH OF CLINTON KEITH ROAD (APN: 362-250-001 & 362-250-026)

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

Project Applicant: Nova Homes, Inc. (Mr. Tom Mungari, Project Manager)
Project Location: East side of George Avenue approximately 660 feet north of Clinton Keith Road
APN: 362-250-001 & 362-250-026
Project Area: 11.25± acres

WHEREAS, the proposed Nova Homes Residential project consists of the following applications for review and consideration by the Planning Commission and City Council:

- 1) Mitigated Negative Declaration (IS/MND) - The proposed project requires the preparation, review and adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (SCH# 2016081009) in accordance with Section 15070 of the California Environmental Quality Act (CEQA) Guidelines
- 2) General Plan Amendment (GPA) - The proposed project requires the approval of a general plan amendment to change the existing land use designation from Mixed Use Planning Area (MUPA) to Medium High Density Residential (MHDR) and to remove Depasquale Road (within the project site) from the Circulation Plan to accommodate the proposed residential project.
- 3) Change of Zone (CZ) - The proposed project requires the approval of a change of zone to remove the Mixed-Use Overlay District designation on a portion of the site (APN: 362-250-001) and to change the existing zoning designation of the entire site from R-R (Rural Residential) to R-4 (Planned Residential) to accommodate proposed residential project;

- 4) Tentative Tract Map (TTM No. 36952) - The proposed project requires the approval of a tentative tract map to subdivide the 11.25± acre site into one (1) lot for condominium purposes to accommodate the proposed residential project; and
- 5) Plot Plan (PP) - The proposed project requires the approval of a plot plan/final site plan of development to develop the Nova Homes Residential project consisting of 77 single family detached dwelling units with related on-site/off-site improvements and recreational amenities.

WHEREAS, the Planning Commission has the authority to take action on the Initial Study/Mitigated Negative Declaration for the Nova Homes Residential project; and

WHEREAS, the proposed Nova Homes Residential 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 Nova Homes Residential project may have one or more significant effects on the environment and that preparation of an Mitigated Negative Declaration (“MND”) was therefore warranted under Public Resources Code § 21080(c); and,

WHEREAS, in accordance with CEQA Guidelines Section 15072, the Planning Department on June 30, 2016 provided a Notice of Intent (NOI) to the State Clearinghouse, Riverside County Clerk, Press Enterprise, a local newspaper of general circulation, and the City’s local distribution list regarding the preparation and public review of the draft Initial Study/Mitigated Negative Declaration for the proposed Nova Homes Residential project; and

WHEREAS, in accordance with CEQA Guidelines §15073 and §15105, the draft Initial Study/Mitigated Negative Declaration was circulated to the City’s Local Distribution List and other interested parties requesting a copy of the document, for a period of not less than 30 days commencing on June 30, 2016 and concluding on August 1, 2016; and

WHEREAS, in accordance with the City’s Local CEQA Guidelines, the draft Initial Study/Mitigated Negative Declaration was posted for public review and comment at Wildomar Planning Department and online at the City’s Environmental Documents Center website; and

WHEREAS, in accordance with CEQA Guidelines §15073 and §15105, the draft Initial Study/Mitigated Negative Declaration was also circulated a second time to the State Clearinghouse and Responsible Agencies for a period of not less than 30 days commencing on August 2, 2016 and concluding on August 31, 2016; and

WHEREAS, during both 30-day public review periods, the City received a total of five (5) written comment letters concerning the draft Initial Study/Mitigated Negative Declaration for the proposed Nova Homes Residential project; and

WHEREAS, in accordance with the City's Local CEQA Guidelines, the Planning Department has prepared responses to each public comment letter as part of the final Mitigated Negative Declaration, including preparation of a Mitigation Monitoring and Reporting Program (MMRP) for the Nova Homes Residential Development project, and which the final Mitigated Negative Declaration was provided to each commenter 10 days prior to the October 19, 2016 Planning Commission meeting; and

WHEREAS, the Nova Homes Residential project IS/MND consists of the following documents as Exhibits to this Resolution:

- Exhibit 1 – Nova Homes Residential project draft Initial Study/Mitigated Negative Declaration (SCH# SCH# 2016081009);
- Exhibit 2 - Nova Homes Residential project IS/MND Technical Appendices.
- Exhibit 3 – Nova Homes Residential project “Response to Comments” package/final IS/MND.
- Exhibit 4 – Nova Homes Residential project Mitigation Monitoring and Reporting Program (MMRP).

WHEREAS, the Wildomar Planning Department, on October 5, 2016, gave public notice to all property owners within a 600-foot radius of the project boundary notifying said property owners of the October 19, 2016 Planning Commission public hearing for the Nova Homes Residential project IS/MND that would be considered by the Planning Commission; and

WHEREAS, the Wildomar Planning Department, on October 7, 2016 published a legal notice in the Press Enterprise, a local newspaper of general circulation, notifying the general public of the holding of the October 19, 2016 Planning Commission public hearing for the Nova Homes Residential project IS/MND that would be considered by the Planning Commission; and

WHEREAS, the City of Wildomar Planning Commission conducted the duly noticed public hearing on October 19, 2016, at which time interested persons had an opportunity to testify in support of, or opposition to, the proposed Nova Homes Residential project IS/MND, and at which time the Planning Commission received public testimony concerning the project.

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

SECTION 1 CEQA FINDINGS.

The Planning Commission, in light of the whole record before it, including but not limited to, the draft IS/MND, Technical Appendices, Response to Comments/Final MND, and Mitigation Monitoring and Reporting Program (Exhibits 1 - 4) 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, recommends the City Council find and determine as follows:

- A. Review Period: That the City has provided two 30-day public review periods for the draft Initial Study/Mitigated Negative Declaration as required by CEQA Guidelines §15073 and §15105.
- B. Compliance with Law: That the draft Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program were prepared, processed, and noticed in accordance with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) and the CEQA Guidelines (14 California Code of Regulations Section 15000 et seq.).
- C. Independent Judgment: That the draft Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program reflect the independent judgment and analysis of the City.
- D. Mitigation Monitoring and Reporting Program: That the Mitigation Monitoring and 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 Commission finds 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 Commission concludes that the project will not have a significant effect on the environment with the proposed mitigation measures and Mitigation Monitoring and Reporting Program.

SECTION 2. MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP)

The Planning Commission recommends that the City Council find the project is 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 ACTION.

Based on the foregoing findings, and on substantial evidence in the whole of the record, the Planning Commission hereby recommends that the City Council take the following actions:

1. Recommend Adoption of a Mitigated Negative Declaration/MMRP:

The Planning Commission hereby recommends the City Council adopt the Initial Study/Mitigated Negative Declaration (with technical appendices) and Mitigation Monitoring and Reporting Program for the Nova Homes Residential project (Planning Application No. 15-0129) attached hereto this Resolution as Attachment A, Exhibits 1 - 4.

2. Recommend Filing a Notice of Determination:

In compliance with Public Resources Code Section 21152 and CEQA Guidelines Section 15075, the Planning Commission hereby recommends that the City Council direct the Planning Director to file a Notice of Determination (NOD) with the Riverside County Clerk for posting within five (5) working days of City Council approval of the Nova Homes Residential project and Initial Study/Mitigated Negative Declaration & Mitigation Monitoring and Reporting Program.

3. Location:

The Planning Commission recommends that the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Nova Homes Residential project (Planning Application No. 15-0129), and all documents incorporated therein or forming the record of decision therefore, shall be kept on file with the Wildomar Planning Department at City Hall, located 23873 Clinton Keith Road, Suite 201, Wildomar, CA 92595 and shall be made available for public review upon request in accordance with state law.

PASSED, APPROVED AND ADOPTED this 19th day of October, 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

Nova Homes Residential Project IS/MND

(Under Separate Cover)

EXHIBIT 2

Nova Homes Residential Project Technical Appendices (Under Separate Cover)

-  Item 2.2 - Attach A-Ex 2 - Appendix 1a_Plot Plan_5-23-16
-  Item 2.2 - Attach A-Ex 2 - Appendix 1b_Elevations_5-23-16
-  Item 2.2 - Attach A-Ex 2 - Appendix 1c_Prelim Grading Plan_5-23-16
-  Item 2.2 - Attach A-Ex 2 - Appendix 1d_TTM_5-23-16
-  Item 2.2 - Attach A-Ex 2 - Appendix 1e_LandscapePlans_5-23-16
-  Item 2.2 - Attach A-Ex 2 - Appendix 1f_WallandFencePlan_5-23-16
-  Item 2.2 - Attach A-Ex 2 - Appendix 1g_MaintenanceExhibit_5-23-16
-  Item 2.2 - Attach A-Ex 2 - Appendix 1h_IrrigationExhibit_5-23-16
-  Item 2.2 - Attach A-Ex 2 - Appendix 2 - Air Quality & GHG Emissions
-  Item 2.2 - Attach A-Ex 2 - Appendix 3a_MSHCP Consistency-Habitat Assess_March 2016
-  Item 2.2 - Attach A-Ex 2 - Appendix 3b_Jurisdictional Delineation_March2016
-  Item 2.2 - Attach A-Ex 2 - Appendix 4_Cultural Resources
-  Item 2.2 - Attach A-Ex 2 - Appendix 5a_Soils Report_March 2016
-  Item 2.2 - Attach A-Ex 2 - Appendix 5b_Geo Fault Hazard Rept 9-19-05
-  Item 2.2 - Attach A-Ex 2 - Appendix 5c_Archeo-Paleo Assessment 3-23-16
-  Item 2.2 - Attach A-Ex 2 - Appendix 6_Phase 1 ESA 3-23-16
-  Item 2.2 - Attach A-Ex 2 - Appendix 7a_Hydrology Rept 12-22-15
-  Item 2.2 - Attach A-Ex 2 - Appendix 7b_WQMP 2nd revised study 4-25-16
-  Item 2.2 - Attach A-Ex 2 - Appendix 7c_ExistingHydroMap_5-23-16
-  Item 2.2 - Attach A-Ex 2 - Appendix 7d_PropHydroMap_5-23-16
-  Item 2.2 - Attach A-Ex 2 - Appendix 8_Noise
-  Item 2.2 - Attach A-Ex 2 - Appendix 9_Traffic Impact Analysis_July 2015
-  Item 2.2 - Attach A-Ex 2 - Appendix 10_Will Serve Letter

EXHIBIT 3

Nova Homes Residential Project Final MND/Response to Comments

(Under Separate Cover)

EXHIBIT 4

Nova Homes Residential Project Mitigation Monitoring and Reporting Program

(Under Separate Cover)