

# **ATTACHMENT C**

**PC Resolution No. 2016-30**

**Change of Zone 15-0129**

**PC RESOLUTION NO. 2016-30**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA, RECOMMENDING CITY COUNCIL APPROVAL OF A CHANGE OF ZONE (PLANNING APPLICATION NO. 15-0129) TO 1) REMOVE THE EXISTING MIXED-USE OVERLAY DISTRICT DESIGNATION FROM A 5.85 ACRE PORTION OF THE SITE (APN 362-250-001) AND 2) CHANGE THE EXISTING ZONING DESIGNATION ON THE ENTIRE SITE FROM R-R (RURAL RESIDENTIAL) TO R-4 (PLANNED RESIDENTIAL)**

**WHEREAS**, the Planning Department has received a Change of Zone (PA No. 15-0129) to remove the Mixed-Use Overlay (MU-O) district designation from a 5.85 acre portion of the site, and to change the existing zoning designation for the entire site from R-R (Rural Residential) to R-4 (Planned Residential) to accommodate proposed Nova Homes Residential project 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 Planning Commission has the authority to review the proposed Nova Homes Change of Zone No. 15-0129 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**, in accordance with Government Code Sections 65854, and Section 17.280.040 of the Wildomar Municipal Code, the City of Wildomar Planning Department on October 5, 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 the Change of Zone 15-0129 that would be considered by the Planning Commission; and

**WHEREAS**, in accordance with Government Code Sections 65854, and Chapter 17.280.040 of the Wildomar Municipal Code, the City of Wildomar Planning Department on October 7, 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 Change of Zone No. 15-0129 that would be considered by the Planning Commission; and

**WHEREAS**, in accordance with Government Code Section 65854 and Chapter 17.280.040 of the Wildomar Municipal Code, the City of Wildomar Planning Commission conducted the duly noticed public hearing on October 19, 2016, at which time all

interested persons had an opportunity to testify in support of, or opposition to, the proposed Change of Zone, and at which time the Planning Commission received public testimony concerning Change of Zone No. 15-0129.

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

**SECTION 1. CEQA.**

The approval of Change of Zone No. 15-0129 is in compliance with requirements of the California Environmental Quality Act (“CEQA”), in that on October 19, 2016, at a duly noticed public hearing, the Planning Commission recommended to the City Council adoption of the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program reflecting its independent judgment and analysis and documenting the environmental impacts and mitigation measures related to the proposed Nova Homes Residential Development 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 designations for the project site to remove the MU-O overlay zone district and change the existing zoning designation from R-R to R-4 to accommodate the proposed single-family residential development project. The proposed zone changes to R-4 for the Nova Homes project, upon approval of the proposed GPA, will be consistent with, and implements, the following goals and polices of the General Plan:

- 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 project will accommodate the development of single family detached dwellings in an area that is appropriately designated by the General Plan with approval of the GPA.
- LU 22.4 The proposed 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 project is designed to consider the surrounding areas to visually enhance, and not degrade, the appearance of adjacent residential structures.
- 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.
- H-1.1 The proposed single family project 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 project 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.

**SECTION 4. PLANNING COMMISSION ACTION.**

The Planning Commission, based on the findings above, hereby adopts PC Resolution No. 2016-30 recommending City Council adoption of an Ordinance, attached hereto and incorporated herein by reference as Exhibit 1, approving Change of Zone No. 15-0129.

**PASSED, APPROVED AND ADOPTED** this 1st day of June 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**

**Draft City Council Ordinance for  
Change of Zone No. 15-0129**

**DRAFT ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, APPROVING A CHANGE OF ZONE (PLANNING APPLICATION NO. 15-0129) TO 1) REMOVE THE EXISTING MIXED-USE OVERLAY DISTRICT DESIGNATION FROM A 5.85 ACRE PORTION OF THE SITE (APN 362-250-001) AND 2) CHANGE THE EXISTING ZONING DESIGNATION ON THE ENTIRE SITE FROM R-R (RURAL RESIDENTIAL) TO R-4 (PLANNED RESIDENTIAL)**

**THE WILDOMAR CITY COUNCIL DOES ORDAIN AS FOLLOWS:**

**SECTION 1. CEQA**

The approval of Change of Zone No. 15-0129 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 the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program reflecting its independent judgment and analysis and documenting the environmental impacts and mitigation measures related to the proposed Nova Homes Residential Development 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 designations for the project site to remove the MU-O overlay zone district and change the existing zoning designation from R-R to R-4 to accommodate the

proposed single-family residential development project. The proposed zone changes to R-4 for the Nova Homes project, upon approval of the proposed GPA, will be consistent with, and implements, the following goals and polices of the General Plan:

- 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 project will accommodate the development of single family detached dwellings in an area that is appropriately designated by the General Plan with approval of the GPA.
- LU 22.4 The proposed 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 project is designed to consider the surrounding areas to visually enhance, and not degrade, the appearance of adjacent residential structures.
- 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.
- H-1.1 The proposed single family project 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 project 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.

**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 the Nova Homes project on property known as APN's 362-250-001 & 362-250-026, as illustrated in Exhibit 1 of 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

## Proposed Change of Zone Exhibit

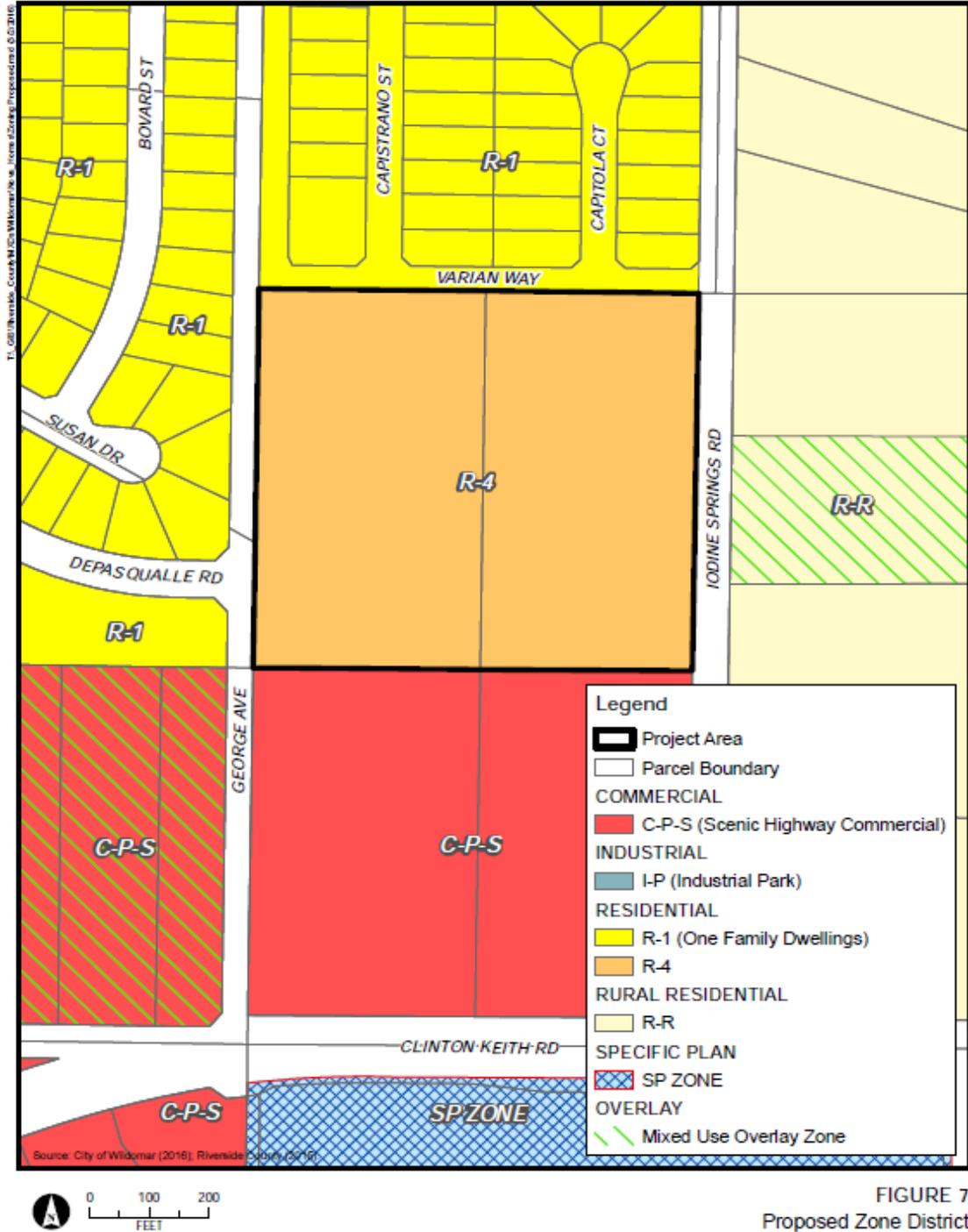


FIGURE 7  
Proposed Zone District