

ATTACHMENT A

PC Resolution No. 2016-33

**Westpark Promenade Project
Environmental Impact Report**

PC RESOLUTION NO. 2016-33

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA, RECOMMENDING CITY COUNCIL CERTIFICATION OF AN ENVIRONMENTAL IMPACT REPORT (SCH# 2014021022), INCLUDING ADOPTION OF FINDINGS OF FACT, STATEMENT OF OVERRIDING CONSIDERATIONS AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE WESTPARK PROMENADE MIXED-USE PROJECT (PLANNING APPLICATION NO. 13-0082) CONSISTING OF A GENERAL PLAN AMENDMENT, CHANGE OF ZONE, TENTATIVE PARCEL MAP NO. 36612, TENTATIVE TRACT MAP NO. 36781, TENTATIVE TRACT MAP NO. 36782, AND PLOT PLAN NO. 13-0082 LOCATED AT THE NORTHEAST CORNER OF THE 1-15 FREEWAY AND CATT ROAD (APN: 376-410-013, 376-410-023 & 376-410-025)

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

Applicant/Owner:	Golden Eagle Multi-Family Properties, LLC
Project Location:	Northeast corner of I-15 Freeway and Catt Road
APN:	376-410-013, 376-410-023 & 376-410-025
Project Area:	27.68± acres

WHEREAS, the proposed Westpark Promenade Mixed-Use project consists of the following applications for review and consideration by the Planning Commission 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 Applicant is requesting approval of a general plan amendment to change the existing land use designation from Commercial Office (CO) to Commercial Retail (CR) on 14.2 acres and Very High Density Residential (VHDR) on 13.48 acres to accommodate the proposed project;
- 3) Change of Zone (CZ) - The Applicant is requesting approval of a change of zone to change the existing zoning designation from C-P-S (Scenic Highway Commercial) to R-3 (General Residential) on 13.48 acres to accommodate proposed project;
- 4) Tentative Parcel Map (TPM No. 36612) - The Applicant is requesting approval of a tentative parcel map to subdivide the 27.68± acre site into three (3) parcels for financing purposes to accommodate the proposed project;

- 5) Tentative Tract Map (TTM No. 36781) - The Applicant is requesting approval of a tentative tract map to subdivide Parcel 2 of PM 36612 (9.15 acres) into one (1) lot for condominium purposes to develop 124 single family attached dwelling units;
- 6) Tentative Tract Map (TTM No. 36782) - The Applicant is requesting approval of a tentative tract map to subdivide Parcel 3 of PM 36612 (4.33 acres) into one (1) lot for condominium purposes to develop 67 single family attached dwelling units; and
- 7) Plot Plan (PP) - The Applicant is requesting approval of a plot plan to develop the Westpark Promenade Mixed-Use project consisting of a 118,354 square-foot commercial retail center (Parcel 1 of PM 36612), and 191 single family attached dwelling units (Parcel 2 and 3 of PM 36612) with related on-site/off-site improvements and amenities.

WHEREAS, the proposed Westpark Promenade 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 Planning Commission of the City of Wildomar, California, has the authority and has reviewed the proposed Westpark Promenade Mixed-Use 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 Westpark Promenade 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 May 17, 2014 provided a Notice of Preparation (NOP) for the Westpark Promenade Mixed-Use project EIR and released the NOP for the required 30-day public review/comment period which began on May 17, 2014 and concluded on June 5, 2014 in accordance with Section 15082 of the CEQA Guidelines during which time the City received nine (9) agency/public comment letters; and

WHEREAS, the Planning Department conducted a public scoping meeting concerning the proposed project and Draft EIR on May 19, 2014 in accordance with Section 15082 of the CEQA Guidelines; and

WHEREAS, due to changes to the proposed project description, the Planning Department on March 23, 2015 prepared and circulated a 2nd Notice of Preparation

(NOP) notifying the public of the revised NOP resulting from changes to the proposed Westpark Promenade project. This began a 2nd 30-day public review/comment period which began on March 23, 2015 and concluded on April 21, 2015 in accordance with Section 15082 of the CEQA Guidelines during which time the City received seven (7) agency/public comment letters; and

WHEREAS, the Planning Department conducted a 2nd public scoping meeting concerning the proposed project and Draft EIR on April 13, 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 May 5, 2016 notifying the State of the availability of the Westpark Promenade Mixed-Use project DEIR for its 45-day public review/comment period in accordance with Section 15085 of the CEQA Guidelines; and

WHEREAS, on May 5, 2016, 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 Westpark Promenade Mixed-Use project Draft EIR; and

WHEREAS, the Draft EIR for the Westpark Promenade Mixed-Use 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 May 5, 2016 and concluding on June 20, 2016, and which said notice and project DEIR was posted at Wildomar City Hall Planning Department and on 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 (7) public comment letters on the Westpark Promenade Mixed-Use Development project Draft EIR; and

WHEREAS, in accordance with Section 15089 of the CEQA Guidelines, the Planning Department has prepared a Final EIR for the Westpark Promenade Mixed-Use project which includes responses to each of the seven (7) 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 November 2, 2016 Planning Commission meeting in accordance with Section 15088 of the CEQA Guidelines; and

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

- Exhibit 1 - Westpark Promenade Mixed-Use project Draft Environmental Impact Report (SCH# 2014021022),

- Exhibit 2 - Westpark Promenade Mixed-Use project Technical Appendices,
- Exhibit 3 - Westpark Promenade Mixed-Use project Final Environmental Impact Report,
- Exhibit 4 - Westpark Promenade Mixed-Use project EIR Findings of Fact and Statement of Overriding Considerations,
- Exhibit 5 - Westpark Promenade Mixed-Use project Mitigation Monitoring and Reporting Program (MMRP); and

WHEREAS, the Wildomar Planning Department, on October 19, 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 November 2, 2016 Planning Commission meeting on the Westpark Promenade Mixed-Use project EIR that would be considered by the Planning Commission; and

WHEREAS, the Wildomar Planning Department, on October 21, 2016, published a legal notice in the Press Enterprise, a local newspaper of general circulation, notifying the general public of the November 2, 2016 Planning Commission meeting on the Westpark Promenade Mixed-Use project EIR that would be considered by the Planning Commission; and

WHEREAS, the City of Wildomar Planning Commission conducted the duly noticed public hearing on November 2, 2016, at which time interested persons had an opportunity to testify in support of, or opposition to, the proposed Westpark Promenade Mixed-Use Development project, and at which time the Planning Commission received public testimony concerning the Westpark Promenade Mixed-Use Development project EIR.

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 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, recommends the City Council find and determine as follows:

1. Preparation of EIR: An Environmental Impact Report was prepared for the Westpark Promenade Mixed-Use 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 May 5, 2016 and concluding on June 20, 2016.
4. Response to Comments: The City has responded to all seven (7) 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 Planning Commission recommends the City Council further find 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 16 of the significant environment project related and cumulative 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 Westpark Promenade Mixed-Use development project EIR.
 - e) For the 16 significant and unavoidable project related and cumulative impacts (i.e., AQ 3.2-2 (Project and Cumulative), AQ 3.2-5 (Project and Cumulative), GHG 3.6-1 (Project and Cumulative), GHG 3.6-2 (Project and Cumulative), NOI 3.10-3 (Project and Cumulative), TRANS 3.14-1 (Project), TRANS 3.14-2 (Project), TRANS 3.14-3 (Cumulative), TRANS 3.14-4 (Cumulative), and TRANS 3.14-7 (Project and Cumulative)., 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 16 significant and unavoidable project related and cumulative environmental impacts (i.e., AQ 3.2-2 (Project and Cumulative), AQ 3.2-5 (Project and Cumulative), GHG 3.6-1 (Project and Cumulative), GHG 3.6-2 (Project and Cumulative), NOI 3.10-3 (Project and Cumulative), TRANS 3.14-1 (Project), TRANS 3.14-2 (Project), TRANS 3.14-3 (Cumulative), TRANS 3.14-4 (Cumulative), and TRANS 3.14-7 (Project and Cumulative), 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, staff recommends that the Planning Commission recommend that the City Council adopt 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. 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. Certify EIR: The Planning Commission recommends that the City Council adopt the Statement of Facts and Findings, including a Statement of Overriding Considerations, and certify the Environmental Impact Report (SCH# 2014021022) for the Westpark Promenade Mixed-Use project.
2. Approve and Adopt the Mitigation Monitoring and Reporting Program: The Planning Commission recommends that the City Council approve and adopt the Mitigation Monitoring and Reporting Program (MMRP) for the Westpark Promenade Mixed-Use project EIR.
3. Notice of Determination: The Planning Commission recommends that, in compliance with Public Resources Code § 21152 and CEQA Guidelines § 15094, the City Council direct the Planning Director to prepare a Notice of Determination (NOD) concerning certification of the Westpark Promenade Mixed-Use development project EIR, and within five (5) working days of City Council approval, file the NOD with the Riverside County Clerk for posting and appropriate Fish & Game fees.
4. Location: The Planning Commission recommends that the Final Environmental Impact Report (SCH# 2014021022) 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 2nd day of November 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

Westpark Promenade Draft Env. Impact Report (DEIR)

(Under Separate Cover)

EXHIBIT 2

Westpark Promenade DEIR Technical Appendices

(Under Separate Cover)

-  Item 2.1 - Attach A-Ex 2 - Appendix A - NOP and Comments
-  Item 2.1 - Attach A-Ex 2 - Appendix B - Air Quality GHG
-  Item 2.1 - Attach A-Ex 2 - Appendix C - Biological Resources
-  Item 2.1 - Attach A-Ex 2 - Appendix D - Cultural-Paleontological Res
-  Item 2.1 - Attach A-Ex 2 - Appendix E - Geotechnical
-  Item 2.1 - Attach A-Ex 2 - Appendix F - Hydrology and Water Quality
-  Item 2.1 - Attach A-Ex 2 - Appendix G - Phase I ESA
-  Item 2.1 - Attach A-Ex 2 - Appendix H - Noise Analysis
-  Item 2.1 - Attach A-Ex 2 - Appendix I - Traffic Analysis

EXHIBIT 3

Westpark Promenade Project FEIR

(Under Separate Cover)

EXHIBIT 4

**Westpark Promenade EIR
Findings of Fact/Overriding Considerations**

(Under Separate Cover)

EXHIBIT 5

**Westpark Promenade
Mitigation Monitoring and Reporting Program (MMRP)**

(Under Separate Cover)