



**CITY OF WILDOMAR – PLANNING COMMISSION**  
**Agenda Item No. 2.1**  
**GENERAL BUSINESS**  
**Meeting Date: November 6, 2013**

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**TO:** Chairman and Members of the Planning Commission

**FROM:** Matthew C. Bassi, Planning Director

**SUBJECT:** **City of Wildomar 2013 – 2021 Housing Element Update**  
Planning Commission review and consideration of the 2013-2021 Housing Element Update, including an Environmental Impact Report, General Plan Amendment, Change of Zone, and various Zoning Ordinance Amendments.

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**STAFF RECOMMENDATION**

The Planning Department recommends the Planning Commission take the following actions:

1. Adopt a Resolution entitled:

**PC RESOLUTION NO. 13-23**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA RECOMMENDING CITY COUNCIL ADOPTION AND CERTIFICATION OF AN ENVIRONMENTAL IMPACT REPORT (SCH# 2013051001) AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE 2013–2021 HOUSING ELEMENT UPDATE PROJECT CONSISTING OF GENERAL PLAN AMENDMENT NO. 13-02, ZONE CHANGE NOS. 13-02 & 13-03; AND ZONING ORDINANCE AMENDMENT NOS. 13-03, 13-04 13-05 and 13-06.

2. Adopt a Resolution entitled:

**PC RESOLUTION NO. 13-24**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA RECOMMENDING CITY COUNCIL APPROVAL OF GENERAL PLAN AMENDMENT NO. 13-02) TO: 1) ADOPT THE 2013–2021 HOUSING ELEMENT UPDATE; 2) CHANGE THE EXISTING LAND USE DESIGNATION FROM MEDIUM HIGH DENSITY RESIDENTIAL (MHDR) TO HIGHEST DENSITY RESIDENTIAL (HHDR) FOR THREE (3) PARCELS (APN'S: 380-220-002; 370-040-009; & 380-270-013); 3) CHANGE THE EXISTING LAND USE DESIGNATION FROM BUSINESS PARK (BP) TO HIGHEST DENSITY RESIDENTIAL (HHDR) FOR ONE (1) PARCEL (APN: 380-250-003); AND 4) A CHANGE TO TABLE LU-4 OF THE GENERAL PLAN LAND USE ELEMENT (PAGE LU-42) TO ESTABLISH A MINIMUM DENSITY OF AT LEAST 30 UNITS/ACRE AND A MINIMUM SITE DEVELOPMENT SIZE OF 30% OF SITE FOR MULTI-FAMILY PROJECTS FOR ANY PROPERTY WITH THE MUPA LAND USE DESIGNATION.

3. Adopt a Resolution entitled:

**PC RESOLUTION NO. 13-25**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA RECOMMENDING CITY COUNCIL APPROVAL OF CHANGE OF ZONE NO. 13-02 FOR THE ADOPTION OF AN IMPLEMENTING MIXED USE (MU) OVERLAY ZONE DISTRICT FOR 21 PARCELS WITH THE EXISTING LAND USE DESIGNATION OF MIXED USE PLANNING AREA (MUPA) FOR APN'S: 376-190-001; 380-160-005; 380-160-009; 376-410-021; 380-160-006; 362-250-027; 380-160-004; 376-410-017; 362-250-001; 376-190-002; 380-160-007; 376-180-006; 367-050-068; 380-160-003; 367-180-015; 367-180-043; 376-410-016; 362-250-029; 380-160-008; 367-050-064; 376-410-015)

4. Adopt a Resolution entitled:

**PC RESOLUTION NO. 13-26**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA RECOMMENDING CITY COUNCIL APPROVAL OF CHANGE OF ZONE NO. 13-03 TO CHANGE THE EXISTING ZONING DESIGNATION FROM R-R (RURAL RESIDENTIAL ZONE) TO R-4 (PLANNED RESIDENTIAL ZONE) FOR FOUR (4) PARCELS (APN'S: 380-220-002; 370-040-009; 380-270-013 & 380-250-003)

5. Adopt a Resolution entitled:

**PC Resolution No. 13-27**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA RECOMMENDING CITY COUNCIL APPROVAL OF ZONING ORDINANCE AMENDMENT NO. 13-03 AMENDING TITLE 17 OF THE ZONING ORDINANCE TO ADOPT VARIOUS AMENDMENTS TO COMPLY WITH CHANGES IN STATE LAW AND IMPLEMENTATION OF THE 2013-2021 HOUSING ELEMENT UPDATE PROGRAMS

6. Adopt a Resolution entitled:

**PC Resolution No. 13-28**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA RECOMMENDING CITY COUNCIL APPROVAL OF ZONING ORDINANCE AMENDMENT NO. 13-04 TO AMEND TITLE 17 OF THE ZONING ORDINANCE TO ADOPT A DENSITY BONUS ORDINANCE TO COMPLY WITH STATE LAW AND IMPLEMENT THE 2013-2021 HOUSING ELEMENT PROGRAMS

7. Adopt a Resolution entitled:

**PC RESOLUTION NO. 13-29**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA RECOMMENDING CITY COUNCIL APPROVAL OF ZONING ORDINANCE AMENDMENT NO. 13-05 TO AMEND TITLE 17 OF THE ZONING ORDINANCE TO ADOPT A REASONABLE ACCOMMODATIONS ORDINANCE TO COMPLY WITH STATE LAW AND IMPLEMENT THE 2013-2021 HOUSING ELEMENT PROGRAMS

8. Adopt a Resolution entitled:

**PC RESOLUTION NO. 13-30**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA RECOMMENDING CITY COUNCIL APPROVAL OF ZONING ORDINANCE AMENDMENT NO. 13-06 TO AMEND TITLE 17 OF THE ZONING ORDINANCE TO ADOPT A MIXED USE OVERLAY ZONE TO COMPLY WITH IMPLEMENTATION OF THE 2013-2021 HOUSING ELEMENT PROGRAMS

**PROJECT BACKGROUND**

The proposed Housing Element Update project has been proposed to comply with State law. The Housing Element is one of seven (7) mandatory elements of the General Plan, as required by California Government Code Section 65302. It is the only element that requires review by a State agency (Housing and Community Development - HCD) and a finding of substantive compliance with state law to maintain eligibility for state housing and community development grant programs. State law requires each city and county to update its housing element at least once every five years.

In the 2006-2014 planning period the City drafted a 4<sup>th</sup> round Housing Element but the document was never adopted. The City decided to address the 4<sup>th</sup> round and 5<sup>th</sup> round Housing Element requirements in the 5<sup>th</sup> round update which started in January 2013. The 4<sup>th</sup> round draft Housing Element that was reviewed by the Planning Commission in May 2012 is very similar to the 5<sup>th</sup> round current update with the addition of a new vacant land inventory to address the 5<sup>th</sup> round regional housing allocation (RHNA) for both planning periods.

The original draft of the current Housing Element document was reviewed by the Commission and Council in May 2013. Based on these reviews, staff forwarded the draft Housing Element to HCD for its 60-day compliance review. On August 22, 2013, the City received a "Conditional Approval/Compliance" letter from HCD stating that the 2013-2021 draft Housing Element has met all state requirements (refer to Attachment H). During the 60 day review period, HCD did correspond with our consultant (Jennifer Gastelum, PMC) requesting several changes to the draft Housing Element. These changes were very minor in nature and did not affect the RHNA allocation numbers or the DEIR that was prepared for the project. Staff is providing for the Commission a copy of the email chain between HCD and PMC (Attachment I).

## PROJECT DISCUSSION

Approval of the 2013-2021 Housing Element Update consists of the adoption of eight (8) resolutions by the Planning Commission with a recommendation on each one to the City Council. The following is a summary list (see next page) of what the Planning Commission will be recommending. These items are necessary to comply with HCD requirements, state law and implementation of the Housing Element programs.

- Environmental Impact Report (SCH# 2013051001): In accordance with Public Resources Code § 21080(d) and § 21082.2(d), the Planning Director has determined that there is substantial evidence that the City of Wildomar 2013–2021 Housing Element may have one or more significant effects on the environment; and therefore, a Environmental Impact Report (EIR) has been prepared for which the Planning Commission will consider and make recommendation to the City Council.
- General Plan Amendment No. 13-02: 1) Adoption of the 2013–2021 Housing Element Update; 2) A change in the existing land use designation from Medium High Density Residential (MHDR) to Highest Density Residential (HHDR) for three (3) parcels (APN's: 380-220-002; 370-040-009; & 380-270-013); 3) A change in the existing land use designation from Business Park (BP) to Highest Density Residential (HHDR) for one (1) parcel (APN: 380-250-003); and 4) A change to Table LU-4 of the General Plan Land Use Element (Page LU-42) to establish a minimum density of at least 30 units/acre and a minimum site development size of 30% of site for multi-family projects for any property with the MUPA land use designation.
- Change of Zone No. 13-02: Adoption of an implementing Mixed Use (MU) overlay zone district for 21 parcels with an existing land use designation of Mixed Use Planning Area (MUPA) for APN's: 376-190-001; 380-160-005; 380-160-009; 376-410-021; 380-160-006; 362-250-027; 380-160-004; 376-410-017; 362-250-001; 376-190-002; 380-160-007; 376-180-006; 367-050-068; 380-160-003; 367-180-015; 367-180-043; 376-410-016; 362-250-029; 380-160-008; 367-050-064; 376-410-015).
- Change of Zone No. 13-03: A change in the existing zoning designation from R-R (Rural Residential Zone) to R-4 (Planned Residential Zone) for four (4) parcels (APN's: 380-220-002; 370-040-009; 380-270-013 & 380-250-003).
- Zoning Ordinance Amendment No. 13-03: An amendment to Title 17 of the Zoning Ordinance to adopt various amendments to comply with changes in state law and implement the 2013-2021 Housing Element Update programs.
- Zoning Ordinance Amendment No. 13-04: A proposal to amend Title 17 of the Zoning Ordinance to adopt a Density Bonus Ordinance to comply with state law and implement the 2013-2021 Housing Element program.
- Zoning Ordinance Amendment No. 13-05: An amendment to Title 17 of the Zoning Ordinance to adopt a Reasonable Accommodations Ordinance to comply with state law and implement the 2013-2021 Housing Element program.

- Zoning Ordinance Amendment No. 13-06: An amendment to Title 17 of the Zoning Ordinance to adopt a Mixed Use Overlay District to implement the 2013-2021 Housing Element program.

The Resolutions attached to the staff report (refer to Attachments A – H) include the changes proposed under the items listed above and the findings required by each action.

## **Environmental Analysis**

The Planning Director determined that there was substantial evidence that the 2013-2021 Housing Element Update 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 § 21082.2(d). Action on the Housing Element update is considered a “project” as defined by the California Environmental Quality Act, Public Resources Code § 21000 et seq. (“CEQA”). The Planning Commission has the authority to review the proposed project in accordance with the California Government Code, Sections 65358, Section 65453, and 65853 and the City of Wildomar Municipal Code, Title 17, and make a recommendation to the City Council regarding certification of the FEIR

In accordance with state law, the City circulated a Notice of Preparation (NOP) of the Draft EIR which began a 30-day comment period on the NOP. The review period began on May 2, 2013 and concluded on June 3, 2013. As part of the NOP process, the City conducted a public scoping meeting on May 20, 2013. The purpose of the scoping meeting was intended to receive input from the public on what environmental issues should be addressed in the DEIR.

In the months following the NOP review period and scoping meeting, the City prepared and completed the Draft EIR. A Notice of Completion (NOC) was provided to the State Office of Planning and Research (OPR) on August 15, 2013, as required under CEQA Guidelines § 15085 regarding the required 45-day public review period. In addition, on August 15, 2013, the City also published a Notice of Availability in “The Press Enterprise, and gave notice to the Riverside County Clerk (and all interested parties requesting said notice) regarding the public review of the draft environmental impact report for the proposed 2013-2021 Housing Element Update project. The Notice of Availability was also posted at Wildomar City Hall, Wildomar Mission Trail Library, and on the City of Wildomar website.

The Draft EIR (refer to Attachment A, Exhibit 1&1-A) was circulated to the public, responsible agencies and other interested parties as required by CEQA Guidelines § 15087 for a period of 45 days which began on August 15, 2013 and concluded on September 30, 2013. The DEIR was also placed at two public places for review (Wildomar City Hall and Wildomar Mission Trail Library). The DEIR was also posted on the City’s website for public review.

Before the close of the 45-day public comment period, the City received four (4) comments (one comment letter was a duplicated from the same persons) on the Draft EIR. In accordance with state law, the City has prepared detailed responses to each comment as part of the Final EIR (FEIR). The comments received during the review period only required minor changes to the DEIR. The public review comments, city responses and the minor changes formulate the FEIR document. This document is provided for Commission consideration as Attachment A, Exhibit 2. A copy of the FEIR was also provided to the four (4) commenters. In accordance with state law, the City has prepared “Findings of Fact” and the Mitigation Monitoring and Reporting

Program” (MMRP). These two items are provided for Commission consideration in PC Resolution No. 13-23 (Attachment A, Exhibits 3 and 4, respectively).

As a result of the DEIR process, it has been determined that approval of the 2013-2021 Housing Element Update project will result in significant effects on the environment that cannot be feasibly mitigated .

Therefore, based on the findings contained within PC Resolution No. 13-23, and on substantial evidence in the whole of the record, the Planning Department is recommending the Planning Commission recommend the City Council take the following actions on the EIR:

- 1) Adopt the Statement of Facts and Findings and certify the Final Environmental Impact Report (SCH# 2013051001) for the 2013-2021 Housing Element Update project;
- 2) Approve and adopt the Mitigation Monitoring and Reporting Program for the 2013-2021 Housing Element Update project EIR; an
- 3) Direct the Planning Director to prepare a Notice of Determination concerning certification of the 2013-2021 Housing Element Update project EIR, and within five (5) days of project approval, file the Notice with the Riverside County Clerk and Office of Planning and Research (OPR) for posting in accordance with state law.

#### **General Plan Amendment No. 13-02:**

The action by the Planning Commission at tonight’s meeting requires an amendment to the General Plan and includes four (4) components as follows:

- 1) Adoption of the 2013–2021 Housing Element Update;
- 2) A change in the existing land use designation from Medium High Density Residential (MHDR) to Highest Density Residential (HHDR) for three (3) parcels (APN’s: 380-220-002; 370-040-009; &380-270-013);
- 3) A change in the existing land use designation from Business Park (BP) to Highest Density Residential (HHDR) for one (1) parcel (APN: 380-250-003); and
- 4) A change to Table LU-4 of the General Plan Land Use Element (Page LU-42) to establish a minimum density of at least 30 units/acre and a minimum site development size of 30% of site for multi-family projects for any property with the MUPA land use designation.

All the property owners affected by the proposed land use changes have been involved in the Housing Element update process and were notified several times regarding the process. In some cases, staff has met with individual property owners, as requested, to discuss the proposed land use changes. In some cases a phone conversation was conducted with those unable to come to City Hall. All four (4) property owners are in support of the proposed land use changes. It is important to note that these changes outlined above are being proposed to meet the Regional Housing Allocation (RHNA) numbers imposed on the City by HCD and SCAG.

## GPA Findings

Pursuant to Government Code Section 65350 – 65362, and Chapter 17.08 of the Zoning Ordinance, the following findings are offered for Planning Commission consideration as part of its recommendation to the City Council on General Plan Amendment No. 13-02 (Housing Element Update project):

- A. The proposed general plan amendment does not involve a change in or conflict with the City of Wildomar Vision; any planning principles set forth in General Plan (Appendix B); or any foundation component designation in the General Plan.

Adoption of the 2013-2021 Housing Element, the proposed land use amendments from Medium High Density Residential (MHDR) to Highest Density Residential (HHDR) for three (3) parcels (APN's: 380-220-002; 370-040-009; & 380-270-013), and from BP to HHDR for one (1) parcel (APN: 380-250-003); and the amendment to Table LU-4 do not result in a change in or conflict with the City of Wildomar Vision in that adoption of the housing element and land use changes further the goals of the General Plan Vision requiring housing opportunities for all residents of the City regardless of economic or income status. Further, adoption of the Housing Element and the proposed land use amendments will not change any foundation component designation as the proposed changes fall within the "Community Development" Foundation category.

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

Adoption of the 2013-2021 Housing Element and the proposed land use amendments from Medium High Density Residential (MHDR) to Highest Density Residential (HHDR) for three (3) parcels (APN's: 380-220-002; 370-040-009; & 380-270-013), and from BP to HHDR for one (1) parcel (APN: 380-250-003); and the amendment to Table LU-4 contribute to the purpose of the General Plan in that implementation of the land use amendments, and housing element goals, polices and programs will create housing opportunities for all residents of the City regardless of economic or income status. Further, the amendments comply with requirements of state law related to housing within the City of Wildomar, and will not be detrimental.

- C. The proposed general plan amendment is required to comply with an update to the Housing Element or change in state housing element law.

Adoption of the 2013-2021 Housing Element and the proposed land use amendments from Medium High Density Residential (MHDR) to Highest Density Residential (HHDR) for three (3) parcels (APN's: 380-220-002; 370-040-009; & 380-270-013), and from BP to HHDR for one (1) parcel (APN: 380-250-003); and the amendment to Table LU-4 are a direct result of the state mandate requiring an update to the City's Housing Element and changes required therein.

### **Change of Zone No. 13-02 and 13-03:**

The action by the Planning Commission at tonight's meeting requires an amendment to the Official Zoning Map and includes two (2) components as follows:

- 1) Adoption of an implementing Mixed Use (MU) overlay zone district (CZ 13-03) for 21 parcels with an existing land use designation of Mixed Use Planning Area (MUPA) for APN's: 376-190-001; 380-160-005; 380-160-009; 376-410-021; 380-160-006; 362-250-027; 380-160-004; 376-410-017; 362-250-001; 376-190-002; 380-160-007; 376-180-006; 367-050-068; 380-160-003; 367-180-015; 367-180-043; 376-410-016; 362-250-029; 380-160-008; 367-050-064; 376-410-015); and
- 2) A change in the existing zoning designation from R-R (Rural Residential Zone) to R-4 (Planned Residential Zone) for four (4) parcels (CZ 13-04) for APN's: 380-220-002; 370-040-009; 380-270-013 & 380-250-003.

All the property owners affected by the proposed MU overlay zone and zone change items have also been involved in the Housing Element update process and were notified regarding the process. As noted above, in some cases, staff has met with individual property owners, as requested, to discuss the proposed land use changes. Also, in some cases a phone conversation was conducted with those unable to come to City Hall. All property owners are in support of the proposed MU overlay zone and zone changes. Again, it is important to note that these changes outlined above are being proposed to meet the Regional Housing Allocation (RHNA) numbers imposed on the City by HCD and SCAG.

### **Change of Zone No. 13-02 Findings:**

In accordance with the State of California, Government Code Section 65853 – 65857 and Section 17.280 of the Wildomar Zoning Ordinance, the following findings are offered for Planning Commission consideration as part of its recommendation to the City Council for the proposed Change of Zone No. 13-02:

- A. The proposed change of zone is in conformance with the adopted General Plan for the City of Wildomar.

The proposed change of zone to adopt a Mixed Use Overlay District for 21 parcels with an existing land use designation of Mixed Use Planning Area (MUPA) for APN's: 376-190-001; 380-160-005; 380-160-009; 376-410-021; 380-160-006; 362-250-027; 380-160-004; 376-410-017; 362-250-001; 376-190-002; 380-160-007; 376-180-006; 367-050-068; 380-160-003; 367-180-015; 367-180-043; 376-410-016; 362-250-029; 380-160-008; 367-050-064; 376-410-015) is consistent with the City of Wildomar General Plan in that the proposed amendment will implement the policies and programs of the 2013-2021 Housing Element requiring such amendment. In addition, the Mixed Use Overlay District has been processed in accordance Government Code Section 65800, et. seq., and Section 17.280 of the Zoning Ordinance. With the approval and implementation of the proposed amendment, the City's General Plan and Zoning Ordinance will be in compliance with state law as prescribed in the 2013-2021 Housing Element.

Change of Zone No. 13-03 Findings:

In accordance with the State of California, Government Code Section 65853 – 65857 and Section 17.280 of the Wildomar Zoning Ordinance, the following findings are offered for Planning Commission consideration as part of its recommendation to the City Council for the proposed Change of Zone No. 13-03:

- A. The proposed change of zone is in conformance with the adopted General Plan for the City of Wildomar.

The proposal to change the existing zoning designation from R-R (Rural Residential Zone) to R-4 (Planned Residential Zone) for four (4) parcels known as APN's: 380-220-002; 370-040-009; 380-270-013 & 380-250-003 is consistent with the General Plan in that the R-4 zoning category is the most appropriate zoning for all four (4) parcels to achieve the proper site design and density permitted under the Highest Density Residential (HHDR) land use designation. Further, the R-4 zone category is the most appropriate zoning in that it will meet the state mandated Regional Housing Needs Assessment (RHNA) housing numbers/units as required by Southern California Association of Governments (SCAG) and the state department of the Housing and Community Development (HCD). Further this zoning category has been reviewed and accepted and HCD as part of their review of the City's Housing Element Update project and conditional approval letter.

**Zoning Ordinance Amendment Nos. 13-03, 13-04, 13-05& 13-06:**

The action by the Planning Commission at tonight's meeting requires an amendment to the Zoning Ordinance, and include the following three (3) components:

- Zoning Ordinance Amendment No. 13-03: An amendment to Title 17 of the Zoning Ordinance to adopt various amendments to comply with changes in state law and implement the 2013-2021 Housing Element Update programs.
- Zoning Ordinance Amendment No. 13-04: A proposal to amend Title 17 of the Zoning Ordinance to adopt a Density Bonus Ordinance to comply with state law and implement the 2013-2021 Housing Element program.
- Zoning Ordinance Amendment No. 13-05: An amendment to Title 17 of the Zoning Ordinance to adopt a Reasonable Accommodations Ordinance to comply with state law and implement the 2013-2021 Housing Element program.
- Zoning Ordinance Amendment No. 13-06: An amendment to Title 17 of the Zoning Ordinance to adopt a Mixed Use Overlay District to implement the 2013-2021 Housing Element program.

The four (4) amendments proposed by staff are specifically needed to address several action programs outlined in the Housing Element and to comply state law. The deadlines to complete these amendments are December 2013. The table on the following page outlines the action programs for easy reference.

Action Programs	Time Frame
<p><u>PROGRAM H-1.1:</u> Mixed Use Overlay Zone. The City will adopt a Mixed Use Overlay Zone to apply to the 21 sites, totaling 121 acres and have a 30% residential requirement.</p>	December 2013
<p><u>PROGRAM H-9.1:</u> Density Bonus. In an effort to comply with Government Code Section 65915 and Senate Bill (SB) 1818, the City of Wildomar will amend its Zoning Ordinance to be consistent with State Density Bonus Law.</p>	December 2013
<p><u>PROGRAM H-10.1:</u> Second Units. The City will permit secondary dwelling units via a ministerial action (by right) in all single family residential zones.</p>	December 2013
<p><u>PROGRAM H-13.1:</u> Extremely Low-Income Households. The City will allow single-room occupancy units (SROs) to be permitted in the Planned Residential (R-4) and Residential Incentive (R-6) zones with a Conditional Use Permit.</p>	December 2013
<p><u>PROGRAM H-13.2:</u> Farm-workers. The City will amend its Zoning Ordinance to allow for farmworker housing in the A-1, A-2, and R-A zones by right.</p>	December 2013
<p><u>PROGRAM H-13.3:</u> Reasonable Accommodation. Develop and formalize a general process that a person with disabilities will need to go through in order to make a reasonable accommodation request.</p>	December 2013
<p><u>PROGRAM H-13.4:</u> Residential Care Facilities. Permit residential care facilities of six or few persons in all residential zones.</p>	December 2013
<p><u>PROGRAM H-16.1:</u> Emergency Shelters. The City will allow emergency shelters as a permitted use (by right) in the Industrial Park (I-P) zone without a conditional use permit or other discretionary review. The I-P zone is close to transit and services.</p>	December 2013

In summary, Programs Nos. H-9.1, H-13.3 and H-1.1, are outlined in Zoning Ordinance Amendments No. 13-04, 13-05 and 13-06, respectively. The remaining programs are being proposed under Zoning Ordinance Amendment No. 13-03. By adopting these amendments simultaneously along with the Housing Element, no further amendments will have to be

completed. Further, as part of the draft Housing Element review by HCD, they were supportive of this approach.

Zoning Ordinance Amendment No. 13-03 Findings:

In accordance with the provisions of the Wildomar Zoning Ordinance, the following findings are offered for Planning Commission consideration as part of its recommendation to the City Council for the proposed Zoning Ordinance Amendment No. 13-03.

- A. The proposed amendment is consistent with the City of Wildomar General Plan and Zoning Ordinance.

The proposed amendments outlined in ZOA No. 13-03 are consistent with the City of Wildomar General Plan in that the proposed amendments will implement the policies and programs of the 2013-2021 Housing Element. In addition, the amendments have processed in accordance Government Code Section 65800, et. seq., and Section 17.280 of the Zoning Ordinance. With the approval and implementation of the proposed amendments, the City's General Plan and Zoning Ordinance will be in compliance with state law as prescribed in the 2013-2021 Housing Element .

Zoning Ordinance Amendment No. 13-04 Findings:

In accordance with the provisions of the Wildomar Zoning Ordinance, the following findings are offered for Planning Commission consideration as part of its recommendation to the City Council for the proposed Zoning Ordinance Amendment No. 13-04.

- A. The proposed amendment is consistent with the City of Wildomar General Plan and Zoning Ordinance.

The proposed amendment to adopt a Density Bonus ordinance as outlined in ZOA No. 13-04 is consistent with the City of Wildomar General Plan in that the proposed amendment will implement the policies and programs of the 2013-2021 Housing Element requiring such amendment. In addition, the Density Bonus ordinance has processed in accordance Government Code Section 65800, et. seq., and Section 17.280 of the Zoning Ordinance. With the approval and implementation of the proposed amendment, the City's General Plan and Zoning Ordinance will be in compliance with state law as prescribed in the 2013-2021 Housing Element.

Zoning Ordinance Amendment No. 13-05 Findings:

In accordance with the provisions of the Wildomar Zoning Ordinance, the following findings are offered for Planning Commission consideration as part of its recommendation to the City Council for the proposed Zoning Ordinance Amendment No. 13-05.

- A. The proposed amendment is consistent with the City of Wildomar General Plan and Zoning Ordinance.

The proposed amendment to adopt a Reasonable Accommodations ordinance as outlined in ZOA No. 13-05 is consistent with the City of Wildomar General Plan in that the proposed amendment will implement the policies and programs of the 2013-2021 Housing Element requiring such amendment. In addition, the Reasonable Accommodations ordinance has been processed in accordance Government Code Section 65800, et. seq., and Section 17.280 of the Zoning Ordinance. With the approval and implementation of the proposed amendment, the City's General Plan and Zoning Ordinance will be in compliance with state law as prescribed in the 2013-2021 Housing Element.

#### Zoning Ordinance Amendment No. 13-06 Findings:

In accordance with the provisions of the Wildomar Zoning Ordinance, the following findings are offered for Planning Commission consideration as part of its recommendation to the City Council for the proposed Zoning Ordinance Amendment No. 13-06.

- A. The proposed amendment is consistent with the City of Wildomar General Plan and Zoning Ordinance.

The proposed amendment to adopt a Mixed Use Overlay District as outlined in ZOA No. 13-06 is consistent with the City of Wildomar General Plan in that the proposed amendment will implement the policies and programs of the 2013-2021 Housing Element requiring such amendment. In addition, the Mixed Use Overlay District has been processed in accordance Government Code Section 65800, et. seq., and Section 17.280 of the Zoning Ordinance. With the approval and implementation of the proposed amendment, the City's General Plan and Zoning Ordinance will be in compliance with state law as prescribed in the 2013-2021 Housing Element

#### **PUBLIC COMMUNICATION / NOTICING**

In accordance with Government Code Sections 65353, 65355 and 65090, the Planning Department, on October 23, 2013, mailed a public hearing notice to all property owners effected by adoption of the Housing Element Update project and accompanying land use amendments notifying them of the November 6, 2013 Planning Commission public hearing. In addition, the Planning Department on October 25, 2013 published a legal notice in "The Press Enterprise", a local newspaper of general circulation, notifying the general public of the November 6, 2013 Planning Commission hearing for the Housing Element Update project. Lastly, the Planning Commission agenda packet was uploaded to the City's website on October 25, 2013 to provide additional opportunity for review by the general public.

#### **CONCLUSION**

The proposed 2013-2021 Housing Element Update project is a big step for the City in its efforts to comply with state housing laws. The proposed general plan land use changes, zone changes and zoning ordinance amendments, as described in this report, are a key component to successfully implementing the programs of the Housing Element, which are supported by the affected property owners and HCD. With the ultimate adoption of the project and all resolutions,

the City will not be required to update its Housing Element until the 6<sup>th</sup> cycle which is estimated to begin the year 2021.

With the adoption of the Housing Element, the document will become one of the updated Elements as part of the City's General Plan update project that was approved for funding by the City Council at its last meeting of October 9, 2013. Upon approval by the City Council, the Housing Element will be forwarded to HCD for its final "Certification Process". Staff anticipates that the certification process will not take long given our "conditional approval" by HCD last August.

Respectfully Submitted,  
Matthew C. Bassi  
Planning Director

Reviewed By,  
Erica Vega  
Assistant City Attorney

**Attachments:**

- A. PC Resolution No. 13-23 for the Environmental Impact Report
  - Exhibit 1 - Housing Element Project DEIR (under separate cover)
  - Exhibit 1-A –Housing Element Project DEIR Appendices (under separate cover)
  - Exhibit 2 - Housing Element Project FEIR (under separate cover)
  - Exhibit 3 - Housing Element Findings of Fact
  - Exhibit 4 - Housing Element Project Mitigation Monitoring & Reporting Program
- B. PC Resolution No. 13-24 for General Plan Amendment No. 13-02
  - Exhibit 1- 2013-2021 Housing Element Document (Under Separate Cover)
- C. PC Resolution No. 13-25 for Change of Zone No. 13-02
  - Exhibit 1 - Draft City Council Ordinance
- D. PC Resolution No. 13-26 for Change of Zone No. 13-03
  - Exhibit 1 - Draft City Council Ordinance
- E. PC Resolution No. 13-27 for Zoning Ordinance Amendment No. 13-03
  - Exhibit 1 - Draft City Council Ordinance reflecting the Various Amendments
- F. PC Resolution No. 13-28 for Zoning Ordinance Amendment No. 13-04
  - Exhibit 1 - Draft Council Ordinance for Density Bonus Provisions
- G. PC Resolution No. 13-29 for Zoning Ordinance Amendment No. 13-05
  - Exhibit 1 - Draft Council Ordinance for Reasonable Accommodations Provisions
- H. PC Resolution No. 13-30 for Zoning Ordinance Amendment No. 13-06
  - Exhibit 1 - Draft Council Ordinance for Mixed Use Overlay Zone
- I. HCD Conditional/Approval Compliance Letter (dated August 22, 2103)
- J. HCD comments on the Draft Housing Element

# **ATTACHMENT A**

## **PC Resolution No. 13-23 Environmental Impact Report**

## PC RESOLUTION NO. 13-23

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA RECOMMENDING CITY COUNCIL ADOPTION AND CERTIFICATION OF AN ENVIRONMENTAL IMPACT REPORT (SCH# 2013051001) AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE 2013–2021 HOUSING ELEMENT UPDATE PROJECT CONSISTING OF GENERAL PLAN AMENDMENT NO. 13-02, ZONE CHANGE NOS. 13-02 & 13-03; AND ZONING ORDINANCE AMENDMENT NOS. 13-03, 13-04 13-05 & 13-06.

**WHEREAS**, the Planning Department has processed the 2014 – 2021 Housing Element Update project consisting of the following actions/applications:

- 1) Environmental Impact Report (SCH# 2013051001): In accordance with Public Resources Code § 21080(d) and § 21082.2(d), the Planning Director has determined that there is substantial evidence that the City of Wildomar 2013-2021 Housing Element may have one or more significant effects on the environment; and therefore, a Environmental Impact Report (EIR) has been prepared for which the Planning Commission will consider and make recommendation to the City Council.
- 2) General Plan Amendment No. 13-02: 1) Adoption of the 2013–2021 Housing Element Update; 2) A change in the existing land use designation from Medium High Density Residential (MHDR) to Highest Density Residential (HHDR) for three (3) parcels (APN's: 380-220-002; 370-040-009; & 380-270-013) that total 15.96 acres; and 3) A change in the existing land use designation from BP to HHDR for one (1) parcel (APN: 380-250-003) totaling 10 acres.
- 3) Change of Zone No. 13-02: Adoption of an implementing Mixed Use (MU) overlay zone district for 21 parcels with an existing Mixed Use Planning Area (MUPA) land use designation (APN's: 376-190-001; 380-160-005; 380-160-009; 376-410-021; 380-160-006; 362-250-027; 380-160-004; 376-410-017; 362-250-001; 376-190-002; 380-160-007; 376-180-006; 367-050-068; 380-160-003; 367-180-015; 367-180-043; 376-410-016; 362-250-029; 380-160-008; 367-050-064; 376-410-015).
- 4) Change of Zone No. 13-03: A change in the existing zoning designation from R-R (Rural Residential Zone) to R-4 (Planned Residential Zone) for four (4) parcels (APN's: 380-220-002; 370-040-009; 380-270-013 & 380-250-003) totaling 25.96 acres.
- 5) Zoning Ordinance Amendment No. 13-03: A proposal to amend Title 17 of the Zoning Ordinance to adopt various amendments to comply with changes in state law and implementation of the 2013-2021 Housing Element programs.
- 6) Zoning Ordinance Amendment No. 13-04: A proposal to amend Title 17 of the Zoning Ordinance to adopt a Density Bonus Ordinance to comply with in state law and implementation of the 2013-2021 Housing Element programs.

- 7) Zoning Ordinance Amendment No. 13-05: A proposal to amend Title 17 of the Zoning Ordinance to adopt a Reasonable Accommodations Ordinance to comply with state law and implementation of the 2013-2021 Housing Element programs.
- 8) Zoning Ordinance Amendment No. 13-06: A proposal to amend Title 17 of the Zoning Ordinance to adopt a Mixed Use Overlay Zone district to implement the 2013-2012 Housing Element.

**WHEREAS**, the proposed Housing Element Update 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 Housing Element Update project in accordance with the California Government Code, Sections 65358, Section 65453, and 65853 and the City of Wildomar Municipal Code, Title 17; and

**WHEREAS**, the Planning Director determined that there was substantial evidence that the Housing Element Update 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 § 21082.2(d); and

**WHEREAS**, the City circulated a Notice of Preparation (NOP) of the Draft EIR beginning May 2, 2013 and concluding on June 3, 2013; and

**WHEREAS**, the City conducted a public scoping meeting concerning the proposed project on May 20, 2013; and

**WHEREAS**, upon completion of the Draft EIR, the City provided Notice of Completion (NOC) to the State Office of Planning and Research on August 15, 2013, as required under CEQA Guidelines § 15085; and

**WHEREAS**, on August 15, 2013, the City published Notice of Availability in “The Press Enterprise” (a local newspaper of general circulation), and gave notice to the Riverside County Clerk, and all interested parties requesting said notice regarding the preparation and review of a draft environmental impact report (SCH# 2013051001) for the proposed Housing Element Update project, and was posted in two places for review at 1) Wildomar City Hall, 2) Wildomar Mission Trail Library, and on the City of Wildomar website; and

**WHEREAS**, the Draft EIR was circulated to the public, responsible agencies and other interested parties as required by CEQA Guidelines § 15087 for a period of 45 days commencing on August 15, 2013 and concluding on September 30, 2013 in accordance with CEQA Guidelines § 15105(a); and

**WHEREAS**, before the close of the public comment period the City received four (4) comments (one comment letter was a duplicate) on the Draft EIR; and

**WHEREAS**, the Draft EIR consists of the following documents included as Exhibits to this Resolution: Exhibit 1: Draft Environmental Impact Report (State Clearinghouse Number 2013051001); Exhibit 2: Final Environmental Impact Report; Exhibit 3: Draft Environmental

Impact Report Findings of Fact; and Exhibit 4: Mitigation Monitoring and Reporting Program; and

**WHEREAS**, this EIR, as authorized under CEQA Guidelines § 15150, incorporates by reference the City of Wildomar General Plan, Zoning Ordinance, and the Final EIR prepared for the project; and

**WHEREAS**, in accordance with Government Code Sections 65353, 65355 and 65090, the City of Wildomar Planning Department, on October 23, 2013, mailed a public hearing notice to all property owners affected by the proposed Housing Element Update and land use/zone change amendments notifying said property owners of the date and time of the public hearing for the DEIR and FEIR that would be considered by the City of Wildomar Planning Commission; and

**WHEREAS**, in accordance with Government Code Sections 65353, 65355 and 65090 the City of Wildomar Planning Department, on October 25, 2013, published a legal notice in "The Press Enterprise," a local newspaper of general circulation, in compliance with State law notifying the public of the holding of a public hearing for the DEIR and FEIR that would be considered by the City of Wildomar Planning Commission; and

**WHEREAS**, in accordance with Government Code Section 65353, the City of Wildomar Planning Commission conducted the duly noticed public hearing on November 6, 2013, at which time interested persons had an opportunity to testify in support of, or opposition to the proposed the DEIR and FEIR and at which time the Planning Commission received public testimony concerning the DEIR and FEIR.

**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 Environmental Impact Report & Final Environmental Impact Report, all documents incorporated by reference therein, any comments received and responses provided, the Statement of Facts and Findings (Exhibit 3 of this Resolution), the Mitigation Monitoring and Reporting Program (Exhibit 4 of this Resolution), 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 that:

1. Preparation of EIR: An Environmental Impact Report was prepared for the Housing Element Update 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 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 and other persons and agencies as required.
3. Review Period: The City has complied with CEQA Guidelines §§ 15087 and 15105 by making the Draft EIR available to the public for review for the required 45-day period of time.

4. Response to Comments: The City has responded to all written comments received during the public review period and included both comments and responses as part of the Final EIR included as Exhibit 2 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 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 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 4 to this resolution to track compliance with these changes, alterations, and mitigation measures identified in the Housing Element Update project Environmental Impact Report.
6. Environmental Findings and Statement of Overriding Considerations: Approval of the Housing Element Update project will result in significant effects on the environment as all impacts cannot be feasibly mitigated through changes, alterations and mitigation measures to a less than significant level. However, the City has substantially lessened all significant effects on the environment where feasible and determined that any remaining significant effects on the environment found to be unavoidable are acceptable due to overriding concerns. Pursuant to Sections 15091-93 of the CEQA Guidelines, findings to this effect are attached as Exhibit 3 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 (Attached hereto as Exhibit 3 of this Resolution) and certify the Final Environmental Impact Report (SCH# 2013051001 for the Housing Element Update 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 (Attached hereto as Exhibit 4 of this Resolution)for the Housing Element Update 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 concerning certification of the Housing Element Update project EIR, and within five (5) days of project approval by the City Council, file the Notice with the Riverside County Clerk for posting.
4. Location: The Planning Commission recommends that the Final Environmental Impact Report No. 2013051001 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 6th day of November 2013, by the following vote:

AYES.

NOES:

ABSENT:

ABSTAINED:

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Stan Smith  
Planning Commission Chairman

**ATTEST:**

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Matthew C. Bassi  
Planning Director/Minutes Secretary

**APPROVED AS TO FORM:**

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Erica L. Vega, Assistant City Attorney

**EXHIBIT 1 - OF ATTACHMENT A  
Housing Element Draft Environmental Impact Report  
(Under Separate Cover)**

**EXHIBIT 1-A - OF ATTACHMENT A  
Housing Element DEIR Appendices  
(Under Separate Cover)**

## **EXHIBIT 2 - OF ATTACHMENT A**

**Final Environmental Impact Report  
(Under Separate Cover)**

# **EXHIBIT 3 - OF ATTACHMENT A**

## **EIR Findings of Fact**

**FINDINGS OF FACT**

**FOR THE**

**CITY OF WILDOMAR HOUSING ELEMENT UPDATE 2013–2021  
FINAL ENVIRONMENTAL IMPACT REPORT**

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**STATE CLEARINGHOUSE No. 2013051001**

*Prepared for:*

**CITY OF WILDOMAR  
23873 CLINTON KEITH ROAD, SUITE 201  
WILDOMAR, CA 92595**

*Prepared by:*



**6020 CORNERSTONE COURT WEST, SUITE 260  
SAN DIEGO, CA 92121**

**OCTOBER 2013**

## 1.0 INTRODUCTION

### 1.1 ORGANIZATION OF CEQA FINDINGS OF FACT

The content and format of these Findings of Fact (Findings) are designed to meet the current requirements of the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Final Environmental Impact Report (EIR) for the Housing Element Update 2013–2021 (project; proposed project) identified significant environmental impacts that will result from implementation of the proposed project. However, the City of Wildomar (City) finds that the inclusion of certain mitigation measures as part of project approval will reduce all significant impacts to a less than significant level. As required by CEQA, the City, in adopting these Findings of Fact, also adopts a Mitigation Monitoring and Reporting Program (MMRP) for the proposed project. The City finds that the MMRP, which is incorporated by reference, meets the requirements of Public Resources Code Section 21081.6 by providing for the implementation and monitoring of measures intended to mitigate the significant effects of the proposed project. In accordance with CEQA and the CEQA Guidelines, the City adopts these Findings of Fact as part of the certification of the Final EIR for the proposed project. Pursuant to Public Resources Code Section 21082.1(c)(3), the City also finds that the Final EIR reflects the City's independent judgment as the lead agency for the proposed project.

The Findings of Fact are organized into the following sections:

**Section 1, Introduction**, outlines the organization of this document and identifies the location and custodian of the record of proceedings.

**Section 2, Environmental Setting and Project Description**, describes the location and characteristics of the site, project overview, project design standards, project objectives and benefits, and required permits and approvals for the project.

**Section 3, CEQA Review and Public Participation**, describes the steps the City has undertaken to comply with the CEQA Guidelines as they relate to public input, review, and participation during the preparation of the EIR.

**Section 4, No Environmental Impacts**, provides a summary of those environmental issue areas where no impacts will occur.

**Section 5, Less Than Significant Environmental Impacts**, provides a summary of insignificant impacts and a finding adopting the EIR's conclusions of insignificance.

**Section 6, Less Than Significant Environmental Impacts With Mitigation Incorporated**, provides a summary of potentially significant environmental effects for which implementation of identified feasible mitigation measures will avoid or substantially reduce the environmental effects to less than significant levels.

**Section 7, Significant and Unavoidable Environmental Impacts**, provides a summary of potentially significant environmental effects for which implementation of feasible mitigation measures will not avoid or substantially reduce the environmental effects to less than significant levels.

**Section 8, Feasibility of Project Alternatives**, provides a summary of the alternatives considered for the proposed project.

**Section 9, Long-Term Implications**, provides a summary of the analysis of any potential long-term implications of the proposed project.

**Section 10, Findings on Changes to the EIR and Recirculation**, provides a brief overview of reasons for changes to the EIR and why it is not necessary to recirculate the EIR.

**Section 11, Findings on Mitigation Monitoring and Reporting Program**, provides a brief discussion of the project's compliance with the CEQA Guidelines regarding the adoption of a plan for monitoring and reporting compliance with mitigation measures.

**Section 12, Statement of Overriding Considerations**, provides a statement of the project benefits that outweigh the significant and unavoidable project impact.

## 1.2 STATUTORY REQUIREMENTS

The California Environmental Quality Act (Public Resources Code Section 21081 et seq.), and particularly the CEQA Guidelines (the Guidelines) (14 California Code of Regulations, Section 15091 et seq.), require:

*(a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:*

- 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.*
- 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*
- 3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.*

In short, CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to avoid or mitigate significant environmental impacts that will otherwise occur with implementation of the proposed project. Project mitigation or alternatives are not required, however, where they are infeasible or where the responsibility for modifying the proposed project lies with another agency (CEQA Guidelines Section 15091(a), (b)).

For those significant effects that cannot be mitigated to a less than significant level, the public agency is required to find that specific overriding economic, legal, social, technological, or other benefits of the proposed project outweigh the significant effects on the environment (Public Resources Code Section 21081(b)). The CEQA Guidelines state in Section 15093: "If the specific economic, legal, social, technological, or other benefits...of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable.'"

## LOCATION AND CUSTODIAN OF RECORD OF PROCEEDINGS

For purposes of CEQA and these Findings of Fact, the record of proceedings for the proposed project consists of a number of documents and other evidence, including the Notice of Preparation and all other public notices issued by the City in conjunction with the proposed project; the Draft EIR, including all documents included and referenced in the appendices and in references in the Draft EIR; the Final EIR, including all documents included in the appendices and in references in the Final EIR; all written comments and public testimony presented during the public comment period on the Draft EIR; the MMRP; the findings and resolution adopted by the City relative to the certification of the Final EIR; the findings and resolutions adopted by the City in connection with the proposed project and all documents incorporated by reference therein; all final reports, studies, memoranda, maps, staff reports, City reports, and City information packets relating to the proposed project prepared by or at the direction of the City or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA or with respect to the City's actions on the proposed project; all documents submitted to the City by other public agencies or members of the public in connection with the proposed project; the minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the proposed project; any documentary or other evidence submitted to or by the City at such information sessions, public meetings, and public hearings; and any documents cited in these Findings. The documents and other materials that constitute the record of proceedings are located at 23873 Clinton Keith Road, Suite 201, Wildomar, CA 92595. The City Planning Department is the custodian of such documents and other materials that constitute the record of proceedings. The record of proceedings is provided in compliance with Public Resources Code Section 21081.6(a)(2) and California Code of Regulations Title 14, Section 15091(e).

### 1.3 CERTIFICATION OF FINAL EIR

Pursuant to CEQA Guidelines Section 15090, the City further finds and certifies that:

- a) The Final EIR has been completed in compliance with CEQA;
- b) The Final EIR has been presented to the Wildomar City Council, which constitutes the decision-making body of the lead agency, and the Council has reviewed and considered the information contained in the Final EIR prior to approving the project; and
- c) The Final EIR reflects the City's independent judgment and analysis.

## 2.0 ENVIRONMENTAL SETTING AND PROJECT DESCRIPTION

### 2.1 ENVIRONMENTAL SETTING

#### Location

The environmental setting consists of the all property within the city limits of the City of Wildomar, which is located in the southwestern portion of Riverside County. The city is generally bounded by the mountains of the Cleveland National Forest and rural residential uses to the west, the Cities of Lake Elsinore and Canyon Lake to the north and northwest, the City of Murrieta to the south and southeast, and rural residential uses to the east in the City of Menifee. The city's topography is generally rolling, with steeper terrain on the west and east and valley areas in the central portion of the city. Interstate 15 (I-15) aligns northwest to southeast through the center of the city and is the main transportation arterial. Existing land uses in the city consist

of a variety of primarily residential, commercial, office, and industrial uses, as well as recreational, open space, and institutional uses.

## 2.2 PROJECT DESCRIPTION

California Government Code Section 65302(c) mandates that each city include a housing element in its general plan. The housing element is required to identify and analyze existing and projected housing needs, and include statements of the city's goals, policies, quantified objectives, and scheduled programs for the preservation, improvement, and development of housing. State law (Government Code Sections 65580–65589.8) mandates the content of the housing element and requires an analysis of:

- Population and employment trends;
- The city's fair share of the regional housing needs;
- Household characteristics;
- An inventory of land suitable for residential development;
- Governmental and nongovernmental constraints on the improvement, maintenance, and development of housing;
- Special housing needs;
- Opportunities for energy conservation; and
- Publicly assisted housing developments that may convert to non-assisted housing developments.

The purpose of these requirements is to demonstrate adequate housing resources to meet the assigned Regional Housing Needs Allocation for all housing categories, but especially housing for very low-income and low-income households.

The California Department of Housing and Community Development (HCD) allocates regional housing needs numbers to the Southern California Association of Governments (SCAG), which in turn allocates to cities and the unincorporated county their "fair share" of the region's projected housing needs, also known as the Regional Housing Needs Allocation (RHNA). The housing needs are assigned based on household income groupings over the planning period for each specific jurisdiction's housing element.

The County of Riverside adopted a Housing Element for the 2006–2014 planning period (4<sup>th</sup> round Housing Element) covering the then unincorporated community of Wildomar. After the City incorporated on July 1, 2008, the City, County, Western Riverside Council of Governments (WRCOG), and SCAG entered into negotiations to determine the number of RHNA units that should be assigned to the City for the remainder of the planning period. In October 2011, it was agreed that the City would take 1,471 units, as shown in **Table 1**.

**TABLE 1  
2006-2013 REGIONAL HOUSING NEED**

<b>Income Category</b>	<b>Income Range*</b>	<b>2006–2013 RHNA</b>
Extremely Low	\$0–\$20,000	174
Very Low	\$20,001–\$33,350	175
Low	\$33,351–\$53,350	241
Moderate	\$53,351–\$75,000	272
Above Moderate	\$75,001 or more	609
<b>Total</b>	–	<b>1,471</b>

Source: SCAG 2012. \*Based on a four-person household.

The City of Wildomar drafted a new 4<sup>th</sup> round Housing Element, but the document was never adopted. In that draft document, the City completed a vacant land survey/analysis and determined that there is sufficient vacant land to satisfy the City’s RHNA for moderate-income and above moderate-income households, but the City needed to change the General Plan land use designation and zoning for approximately 16 acres of land from Medium High Density Residential (MHDR) to Highest Density Residential (HHDR) to meet the City’s RHNA for extremely low-, very low-, and low-income households. Because the redesignation and rezoning did not occur, the City has an unaccommodated need of 364 units for extremely low-, very low-, and low-income households from the 2006–2013 RHNA that is now added to the 2013–2021 RHNA.

**TABLE 2  
2013–2021 REGIONAL HOUSING NEEDS ALLOCATION (RHNA)**

<b>Income Category</b>	<b>Income Range*</b>	<b>2013–2021 RHNA</b>
Extremely Low	\$0–\$20,100	310
Very Low	\$20,101–\$33,500	311
Low	\$33,501–\$53,600	415
<b>Unaccommodated Need from 2006–2014 Housing Element</b>		<b>364</b>
<b><i>Subtotal Extremely Low, Very Low-, and Low-Income Units</i></b>		<b><i>1,400</i></b>
Moderate	\$53,601–\$78,000	461
Above Moderate	\$78,001 or more	1,038
<b>Total</b>		<b>2,899</b>

Source: SCAG 2012. \*Based on a four-person household.

To demonstrate housing resources for the extremely low-income, very low-income, and low-income housing categories, HCD requires that the City provide enough vacant land to accommodate at least 1,400 units. Further, the vacant land must have a permitted use at a

density of at least 30 dwellings/housing units per acre. Currently, the City of Wildomar does not have sufficient vacant land zoned to meet the need for 1,400 housing units in the extremely low-income, very low-income, and low-income categories as shown in **Table 2**.

The Highest Density Residential (HHDR) land use designation (for 4 targeted sites) and the Mixed Use Planning Area (MUPA) land use designation (for 21 targeted sites) will both allow a density of 30 dwellings/housing units per acre. As stated in the General Plan, the HHDR designated land allows between 20 and 40 units per acre. The General Plan does not establish a density range for MUPA designated land, and MUPA land can be developed at any density. Thus, for the purposes of the DEIR, the highest density allowed in the General Plan (HHDR) is assumed to be the maximum density allowable in the MUPA. The City currently has approximately 122 acres of MUPA designated land but does not currently have any land designated HHDR.

## PROJECT CHARACTERISTICS

The proposed project comprises the following actions by the City of Wildomar:

- General Plan Amendment to adopt the 2013–2021 Housing Element.
- Adoption of an implementing Mixed Use (MU) overlay zone district for the existing Mixed Use Planning Area (MUPA) land use designation.
- Land use designation change and rezoning of four parcels that total 25.96 acres from Medium High Density Residential (MHDR)/Business Park (BP) to Highest Density Residential (HHDR) and from Rural Residential (R-R) to Planned Residential (R-4), respectively.
- Other zoning text amendments to the City's Zoning Ordinance to comply with changes in state law and implementation of the Housing Element programs. These include adding single-room occupancy units, farmworker housing, transitional housing, supportive housing, secondary dwelling units, and state-licensed residential care facilities to the list of permitted uses in certain zone districts.
- Adoption of a reasonable accommodation ordinance that provides a process for consideration of building design relief to ensure access for residents of all abilities.
- Adoption of a density bonus ordinance in accordance with state requirements.

## 2.3 REQUIRED PERMITS AND APPROVALS

As required by the CEQA Guidelines, this section provides, to the extent the information is known to the City, a list of the agencies that are expected to use the Final EIR in their decision-making and a list of permits and other approvals required to implement the proposed project.

### **Lead Agency Approval**

The Final EIR must be certified by the City of Wildomar as to its adequacy in complying with the requirements of CEQA before the City takes any action on the proposed project. The City will consider the information contained in the EIR in making a decision to approve or deny the

proposed project. The analysis in the EIR is intended to provide environmental review for the whole of the proposed project in accordance with CEQA requirements.

### **Other Required Permits and Approvals**

- While the California Department of Housing and Community Development must review and agree to the contents of a housing element, they do not approve housing elements. No other agency is required to approve the updated Wildomar Housing Element.

## **3.0 CEQA REVIEW AND PUBLIC PARTICIPATION**

The City complied with the CEQA Guidelines during the preparation of the Draft EIR for the proposed project. The Draft EIR, dated August 15, 2013, was prepared following input from the public, responsible agencies, and affected agencies through the Draft EIR scoping process. The “scoping” of the EIR was conducted using several of the tools available under CEQA. In accordance with Section 15082 of the CEQA Guidelines, a Notice of Preparation (NOP) was prepared and distributed to the State Clearinghouse, responsible agencies, affected agencies, and other interested parties on May 2, 2013. Information requested and input provided during the 30-day NOP comment period regarding the scope of the environmental document are included in the EIR. The public review period for the NOP was from May 3, 2013, to June 2, 2013, and the public review period for the Notice of Availability/Draft EIR was from August 15, 2013, to September 30, 2013.

### **3.1 NOTICE OF PREPARATION**

A Notice of Preparation (NOP) was prepared per CEQA Guidelines Section 15082. Public outreach for the NOP included distribution using the methods described below.

#### **Overnight and Certified Mail**

The NOP was sent to 22 local agencies and the Office of Planning and Research, State Clearinghouse for distribution to two state agencies. During the public scoping/comment period, the NOP was made available for review at the following locations:

- **Wildomar City Hall** located at 23873 Clinton Keith Road, Suite 201, Wildomar, CA 92595
- **Wildomar Mission Trail Library** located at 34303 Mission Trail, Wildomar, CA 92595

### **3.2 NOTICE OF AVAILABILITY AND DRAFT ENVIRONMENTAL IMPACT REPORT**

Upon completion of the Draft EIR, and in accordance with CEQA Guidelines Section 15087(a), the Notice of Availability (NOA) was prepared and published. Public outreach for the Draft EIR included distribution of the NOA using the following methods:

#### **Newspaper Publications**

The City published the NOA in the Californian on August 15, 2013.

## Overnight and Certified Mail

The NOA and Draft EIR were sent to 22 interested agencies/organizations and the Office of Planning and Research, State Clearinghouse for distribution to three state agencies. During the public review period, the EIR was made available for review at the following locations:

- **Wildomar City Hall** located at 23873 Clinton Keith Road, Suite 201, Wildomar, CA 92595
- **Wildomar Mission Trail Library** located at 34303 Mission Trail, Wildomar, CA 92595

## Online

The NOA and Draft EIR were available online at <http://www.cityofwildomar.org>.

## 4.0 No ENVIRONMENTAL IMPACTS

Based on the Draft EIR, the Final EIR, and the record of proceedings, the City of Wildomar finds that the proposed project will have no environmental impacts for specific topic areas identified below. Page numbers in parentheses refer to the Draft EIR unless otherwise noted.

- Air Quality (creation of objectionable odors affecting a substantial number of people, pp. 3.1-21 through -22)
- Biological Resources (impacts to the movement of native resident or migratory fish or wildlife species or within established migratory corridor, p. 3.6-26; conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, p. 3.2-26)
- Cultural Resources (impacts to historical resources, p. 3.4-9)
- Land Use and Planning (cumulative impacts to land use, p. 3.7-10)
- Population and Housing (displacement of population and housing, p. 3.8-8)
- Transportation and Circulation (conflict with congestion management program or standards, p. 3.10-26; changes in air traffic patterns, p. 3.10-26; hazardous design features and incompatible uses, p. 3.10-27; inadequate emergency access, p. 3.10-27; conflict with alternative transportation, p. 3.10-29)

### 4.1 AIR QUALITY

#### **Create Objectionable Odors Affecting a Substantial Number of People** (pp. 3.1-21 through -22)

The proposed project will not include any land uses, such as agriculture (farming and livestock), wastewater treatment plants, food processing plants, chemical plants, composting facilities, refineries, landfills, dairies, and fiberglass molding, that have been identified by the South Coast Air Quality Management District (SCAQMD) as sources that could create objectionable odors.

- **Findings:** The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will not result in impacts related to objectionable odors.

#### 4.2 BIOLOGICAL RESOURCES

##### **Impacts to the Movement of Native Resident or Migratory Fish or Wildlife Species or Within Established Migratory Corridor (p. 3.2-26)**

Direct impacts to migratory species will be avoided since no established migratory routes are identified within the city. The project will have no impact on any native resident or migratory fish or wildlife species, or established native resident or migratory wildlife corridors, and no impediment to the use of native wildlife nursery sites will occur.

##### **Conflict with Any Local Policies or Ordinances Protecting Biological Resources, Such as a Tree Preservation Policy or Ordinance (p. 3.2-26)**

Other than the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP), the City of Wildomar has not adopted any policies or ordinances protecting biological resources.

- Findings:** The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will not result in impacts to the movement of native resident or migratory fish or wildlife species or within established migratory corridor; nor will it conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

#### 4.3 CULTURAL RESOURCES

##### **Impacts to Historical Resources (p. 3.4-9)**

There are currently no known historical resources on the proposed sites identified in the Housing Element for rezoning to R4 or for the new Mixed Use overlay zone, nor any known historical resources that would be potentially affected by residential and mixed-use buildout of the properties.

- Findings:** The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will not result in impacts to historical resources.

#### 4.4 LAND USE AND PLANNING

##### **Cumulative Impacts to Land Use(p. 3.7-10)**

Development of the proposed project will be consistent with the planning policies of the City of Wildomar General Plan and Municipal Code, as well as consistent with the surrounding land uses. The project would have the cumulative effect of reinforcing and supporting adopted land use policies for the area. The proposed project also has the effect of enhancing the development of the community by providing housing options for all income levels, particularly low-income categories, as required by the RHNA.

**Findings:** The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will not result in cumulative impacts to land use.

#### 4.5 POPULATION AND HOUSING

##### **Displacement of Population and Housing**(p. 3.8-8)

The proposed project could result in the development of an additional 1,678 housing units beyond what would currently be allowed under existing land use and zoning designations in Wildomar. Furthermore, none of the 25 sites identified for land use and zoning changes under the proposed project currently contain housing.

**Findings:** The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will not result in displacement of population and housing.

#### 4.6 TRANSPORTATION AND CIRCULATION

##### **Conflict with Congestion Management Program or Standards** (p. 3.10-26)

The proposed project will not result in any roadway segment included in the Riverside County Congestion Management Plan being reduced to an unacceptable level of service. As shown in **Table 3.10-7** of the Draft EIR, all study area roadways operate at an acceptable level of service in the 2035 Volume with Project condition.

##### **Changes in Air Traffic Patterns** (p. 3.10-26)

The nearest major airport to Wildomar is LA/Ontario International Airport, located approximately 43 miles away in Ontario. A small private airport called Skylark Field Airport is located adjacent to the northwest city boundary in Lake Elsinore.

The proposed project would modify zoning and General Plan designations to allow for the future development of high-density residential and mixed use on specific scattered parcels in Wildomar. No future development projects for these parcels are proposed at this time. In any case, implementation of proposed overlay zones or redesignation would not result in any new uses or activities that would affect airport operations and air traffic patterns.

##### **Hazardous Design Features and Incompatible Uses** (p. 3.10-27)

Implementation of the proposed project would result in the modification of General Plan designations and zoning districts on several parcels in Wildomar, which would allow those parcels to be developed with mixed uses and high-density residential uses in the future. There are no development projects proposed for the parcels at this time, so implementation of the proposed project would not result in design hazards related to ingress or egress, and there would be no proposed changes to roadways or intersections.

##### **Inadequate Emergency Access** (p. 3.10-27)

The proposed project would result in the rezoning and redesignation of some parcels, which would enable the future development of high-density residential and mixed uses, although there

are no such proposals for development at this time. The proposed project would not result in any changes that would affect future emergency access. Refer to Section 3.9, Public Services, Utilities, and Recreation, of the Draft EIR for a description of the potential impacts on emergency services such as police and fire. However, since the project would not result in any changes that would hinder emergency access, there is no impact.

### **Conflict with Alternative Transportation (p. 3.10-29)**

As described in Section 3.10 of the DEIR under the analysis of Impact 3.10.6, implementation of the proposed project would enable the development of high-density residential and mixed uses on several sites located in the southern portion of Wildomar, with most sites located in close proximity to existing alternative transportation routes. By enabling the development of higher densities and mixed uses in proximity to modes of alternative transportation, implementation of the proposed project, in combination with other projects that would occur as part of buildout of the City of Wildomar General Plan, would actually promote improvements and access to alternative transportation, which would not result in conflicts with plans and policies promoting alternative transportation.

**Findings:** The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will not result in conflict with congestion management program or standards; changes in air traffic patterns; hazardous design features and incompatible uses; inadequate emergency access; or conflict with alternative transportation.

## **5.0 LESS THAN SIGNIFICANT ENVIRONMENTAL IMPACTS**

Based on the Draft EIR, the Final EIR, and the record of proceedings, the City of Wildomar finds that the proposed project will result in less than significant environmental impacts without any mitigation measures for all of the specific topic areas identified below. Page numbers in parentheses refer to the Draft EIR unless otherwise noted.

Air Quality (expose sensitive receptors to substantial carbon monoxide pollutant concentrations, pp. 3.1-17 through -18; expose sensitive receptors to substantial toxic air contaminant concentrations, pp. 3.1-18 through -21)

Biological Resources (cumulative impacts on biological resources, p. 3.2-28)

Climate Change and Greenhouse Gases (generate greenhouse gas emissions that may have a significant impact on the environment, pp. 3.3-17 through -19; conflict with applicable greenhouse gas reduction plan, pp. 3.3-19 through -20)

Cultural Resources (cumulative impacts on cultural resources and paleontological resources, pp. 3.4-13 through -14)

Geology and Soils (impacts associated with landslides, p. 3.5-17; soil erosion or loss of topsoil, pp. 3.5-17 through -18; expansive soils, p. 3.5-18; soil incapable of supporting septic tanks, p. 3.5-19; cumulative soil stability and seismic impacts, pp. 3.5-20 through -21)

Hydrology and Water Quality (impacts associated with groundwater, p. 3.6-24; cumulative impacts to hydrology and water quality, pp. 3.6-26 through -27)

Land Use and Planning (physically divide an established community, p. 3.7-8; conflict with general plan, zoning code, or specific plan, pp. 3.7-8 through -9)

Population, Housing, and Employment (population and housing growth inducement, pp. 3.8-7 through -8; cumulative population growth, pp. 3.8-8 through -9)

Public Services and Utilities (increased demand for fire protection and emergency medical services and fire flow, pp. 3.9-4 through -5; significant risk of loss due to wildland fire, p. 3.9-6; cumulative demand on fire protection facilities and fire flow, pp. 3.9-7 through -8; increased demand for law enforcement services, p. 3.9-10 through -11; cumulative demand for law enforcement services, p. 3.9-11; increased demand for school facilities, pp. 3.9-14 through -15; cumulative school impacts, p. 3.9-15; water supply demand and environmental effects, pp. 3.9-19 through -20; water supply infrastructure, pp. 3.9-20 through -21; cumulative water supply impacts, p. 3.9-21 through -22; wastewater discharge requirements, pp. 3.9-26 through -27; wastewater conveyance and treatment, pp. 3.9-27 through -28; cumulative wastewater service impacts, p. 3.9-28; increased solid waste disposal, pp. 3.9-31 through -32; cumulative solid waste impacts, pp. 3.9-32 through -33; increased demand for parks and recreation facilities, pp. 3.9-35 through -36; cumulative park and recreation demands, pp. 3.9-36 through -37)

Transportation and Circulation (conflict with alternative transportation, p. 3.10-26 through -27)

## 5.1 AIR QUALITY

### **Expose Sensitive Receptors to Substantial Carbon Monoxide Pollutant Concentrations** (pp. 3.1-17 through -18)

The traffic analysis conducted for the Draft EIR (see Section 3.10, Transportation and Circulation, of the Draft EIR) projected that no traffic facilities would be reduced to LOS E or F as a result of the proposed project, and the project would not contribute additional traffic to an intersection that already operates at LOS E or F. Therefore, this impact meets the screening criteria, and no additional carbon monoxide (CO) analysis is needed. The proposed project would not be anticipated to result in or contribute to local CO concentrations that exceed the state 1-hour or 8-hour ambient air quality standards of 20 parts per million (ppm) or 9 ppm, respectively. Therefore, implementation of the project would not contribute to localized concentrations of mobile-source CO that would exceed applicable ambient air quality standards

### **Expose Sensitive Receptors to Substantial Toxic Air Contaminant Concentrations** (pp. 3.1-18 through -21)

Subsequent land use activities associated with implementation of the proposed project could potentially include short-term construction sources of toxic air contaminants (TACs) and long-term operational sources of TACs, including stationary and mobile sources. However, based on modeled results and testing for potential cancer risk to proposed receptors in proximity to Interstate 15 (the location with the highest volume of traffic) shows that the location of site 16, the only site of the proposed project located adjacent to a freeway (there are no urban road segments in Wildomar that accommodate 100,000 vehicles trips per day), would not exceed the thresholds identified in the refined protocol. Therefore, the proposed project would not result in a significant impact concerning diesel particulate matter.

**Findings:** The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will result in less than significant impacts associated with the exposure of sensitive receptors to substantial carbon monoxide pollutant concentrations and the exposure of sensitive receptors to substantial toxic air contaminant concentrations.

## 5.2 BIOLOGICAL RESOURCES

### **Cumulative Impacts on Biological Resources (p. 3.2-28)**

- Implementation of the proposed project, in combination with existing, approved, proposed, and reasonably foreseeable development in the immediate area of the proposed project, will result in the conversion of habitat and impact biological resources. As noted in the analysis and through the mitigation measures found in Section 3.2 of the Draft EIR, the project will be subject to the provisions of the Western Riverside County Multi Species Habitat Conservation Plan (MSHCP). The MSHCP has been analyzed under CEQA. Project compliance with these plans fully mitigates for impacts to MSHCP covered species associated with the 25 subject sites. CEQA Guidelines Section 15130(a)(3) states that a project's contribution to a cumulative impact is not cumulatively considerable if the project is required to implement or fund its fair share of mitigation measures designed to alleviate the cumulative impact.

**Findings:** The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will result in less than significant cumulative impacts associated with biological resources.

## 5.3 CLIMATE CHANGE AND GREENHOUSE GASES

### **Generate Greenhouse Gas Emissions That May Have a Significant Impact on the Environment (pp. 3.3-17 through-19)**

Implementation of the proposed project will result in greenhouse gas emissions that would further contribute to significant impacts on the environment. However, construction-generated greenhouse gas (GHG) emissions would be subject to South Coast Air Quality Management District (SCAQMD) guidance as well as to Senate Bill 97. Adherence to both SCAQMD guidance and SB 97 would reduce construction-generated GHG emissions. Construction-associated impacts would cease once construction is complete. Additionally, based on analysis in Section 3.3 of the Draft EIR, the per service population thresholds for GHG emissions would not be exceeded for operational emissions.

### **Conflict with Applicable Greenhouse Gas Reduction Plan (pp.3.3-19 through -20)**

Implementation of the proposed project would be consistent with the goals of AB 32 (Health and Safety Code Sections 38500, 38501, 28510, 38530, etc.), as interim SCAQMD thresholds would not be surpassed. The proposed project would not result in a net increase in cumulative GHG emissions beyond SCAQMD significance thresholds; therefore, it is consistent with AB 32.

**Findings:** The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will result in less than significant impacts associated the generation of greenhouse gas emissions that may

have a significant impact on the environment, and a conflict with applicable greenhouse gas reduction plan.

#### 5.4 CULTURAL RESOURCES

##### **Cumulative Impacts to Cultural and Paleontological Resources(pp. 3.4-13 through -14)**

As mitigated, the direct impacts associated with the proposed project will be reduced to a less than significant level. While it is possible that grading and development will result in the accidental discovery of paleontological and cultural resources, mitigation measures and state and federal laws already in place will set in motion actions designed to mitigate these potential impacts. The proposed project covers the entire City of Wildomar, which contains existing development that has disturbed the soil and no new impacts to cultural resources on these properties is likely.

**Findings:** The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will result in less than cumulatively considerable impacts on cultural resources and paleontological resources.

#### 5.5 GEOLOGY AND SOILS

##### **Impacts Associated with Landslides(p. 3.5-17)**

A landslide inventory conducted by the CGS and a review of geologic literature and geologic mapping concluded that landslides are not common in the city. Therefore, project implementation would result in less than significant impacts associated with the exposure of people or structures to potential substantial adverse effects involving landslides.

##### **Soil Erosion or Loss of Topsoil (pp. 3.5-17 through -18)**

Potential grading and excavation activities associated with the development that may occur on any of the subject sites would expose soils to potential short-term erosion by wind and water. However, compliance with the National Pollutant Discharge Elimination System (NPDES) Storm Water General Construction Permit, the California Building Code, and local City ordinances would reduce impacts.

##### **Expansive Soils (p.3.5-18)**

Sites 1 through 25 are not located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code(1994) and therefore would not create substantial risks to life or property.

##### **Soil Incapable of Supporting Septic Tanks (p.3.5-19)**

The proposed project would not propose the use of septic tanks or alternative wastewater disposal systems.

##### **Cumulative Soil Stability and Seismic Impacts(p.3.5-21)**

Implementation of the proposed project, in combination with existing, approved, proposed, and reasonably foreseeable development in Wildomar and nearby areas, would not contribute to

cumulative geologic, soils, and minerals impacts. In fact, all new development, including development in areas outside of Wildomar, would have to comply with the CBC, which requires stringent earthquake-resistant design parameters and common engineering practices requiring special design and construction methods that reduce or eliminate potential expansive soil-related impacts. Furthermore, any development involving clearing, grading, or excavation that causes soil disturbance of 1 or more acres, or any project involving less than 1 acre that is part of a larger development plan and includes clearing, grading, or excavation, is subject to NPDES Storm Water Construction General Permit provisions.

**Findings:** The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will result in less than significant impacts associated with landslides; soil erosion or loss of topsoil; expansive soils; soil incapable of supporting septic tanks; and cumulative soil stability and seismic impacts.

## 5.6 HYDROLOGY AND WATER QUALITY

### **Groundwater (p. 3.6-24)**

The proposed project would introduce impervious surfaces in the form of structures and parking lots to previously undeveloped parcels of land. This would result in an incremental reduction in recharge of the local groundwater aquifer. However, implementation of the proposed project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level

### **Cumulative Impacts to Hydrology and Water Quality (pp.3.6-26 through -27)**

The proposed project, in combination with existing, approved, proposed, and reasonably foreseeable development in the Santa Margarita and Santa Ana watersheds, could alter drainage conditions, rates, volumes, and water quality, which could result in potential erosion, flooding, and water quality impacts within the overall watersheds. However, the project would be required to comply with the NPDES stormwater permitting program, which regulates water quality originating from construction sites. Further, the project will implement site design BMPs, source control BMPs, and treatment control BMPs as identified in the Water Quality Management Plan. As such, the proposed project in conjunction with other planned and approved projects would not result in cumulatively considerable impacts to hydrology and water quality.

**Findings:** The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will result in less than significant impacts with regard to impacts associated with groundwater; and cumulative impacts to hydrology and water quality.

## 5.7 LAND USE AND PLANNING

### **Physically Divide an Established Community (p.3.7-8)**

The project does not propose site-specific development. Future residential development associated with the proposed project would occur on several parcels of vacant land, most of which are not zoned for residential development or are zoned for low-density residential

development. The adoption of a Mixed Use overlay zone district for sites 1 through 21 would allow high-density residential development on MUPA parcels and would be compatible with the existing MUPA land use designation. Additionally, a proposed General Plan Amendment and Zone Change for sites 22 through 25 would allow for higher-density residential development in rezone areas when compared to existing conditions. The Zoning Ordinance Amendment to the Planned Residential (R-4) zone would establish development standards to ensure that proposed residential development is integrated into and compatible with General Plan development guidelines. Compliance with the General Plan and Municipal Code would ensure that future residential development would not divide an established community.

### **Conflict with General Plan, Zoning Code, or Specific Plan (pp.3.7-8 through -9)**

The proposed project has been prepared to be consistent with the Wildomar General Plan and Zoning Ordinance. The purpose of the General Plan and Zoning Ordinance, to assign land uses in the community so that similar land uses can be located near each other and near required services such as roads, water, and sewer, would be achieved through the implementation of the proposed project. As discussed above, sites identified as viable options would be available with appropriate zoning and development standards and with public services and facilities needed to facilitate and encourage the development of a variety of housing types for households of all income levels, including the unaccommodated need from the previous planning period (2006–2013) and the RHNA units needed under the current planning period (2013–2021). The proposed project would be consistent with the City of Wildomar General Plan and Zoning Ordinance through the adoption and implementation of an MU overlay district for sites 1 through 21 and amendment of land use designation and rezone of sites for sites 22 through 25.

**Findings:** The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will result in less than significant impacts with regard to physically divide an established community; and conflict with general plan, zoning code, or specific plan.

## 5.8 POPULATION AND HOUSING

### **Population and Housing Growth Inducement (pp. 3.8-7 through -8)**

The proposed project will amend the City's land use and zoning regulations to allow 1,678 potential housing units to be added to the housing stock in Wildomar. Based on an average household size of 3.3 residents per home (SCAG 2012), the additional 1,678 housing units would result in an increase in population of approximately 5,537. SCAGs household growth forecast is projected to result in an increase of 2,620 households for the 5<sup>th</sup> cycle RHNA, which would yield a population increase of 8,646 new residents (based on an average household size of 3.3 residents) (SCAG 2012). As such, the estimated increase in population generated by the project is well within and below the anticipated population increase projected by SCAG.

#### Cumulative Population Growth (p. 3.8-9)

While the proposed project may indirectly induce population and housing growth as described in the discussion of Impact 3.8.1 in Section 3.8 of the Draft EIR, this growth is necessary to meet population growth and housing needs in Wildomar because the current supply of vacant land in the city zoned and designated for residential development is not adequate to meet the City's projected need for housing, as determined by SCAG. Implementation of the proposed project would remedy this situation to designate and zone enough vacant land to accommodate the

projected need for housing. The projected need for housing will exist regardless of whether this project is approved. Therefore, this project is not catalyzing growth; it is planning for growth that is projected to occur nonetheless.

**Findings:** The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will result in less than significant impacts with regard to population and housing growth inducement; and cumulative population growth.

#### 5.10 PUBLIC SERVICES AND UTILITIES

##### **Increased Demand for Fire Protection and Emergency Medical Services and Fire Flow (pp. 3.9-4 through -5)**

Implementation of the proposed project would result in the need for additional fire protection and emergency services, which may result in the need for new or expanded facilities and infrastructure to provide adequate levels of service and fire flow through 2021. Since the timing and location of potential necessary improvements is unknown at this time, it would be too speculative to analyze the environmental impacts associated with those improvements at this time. The timing and need would be determined during periodic review of service contract agreements and review of housing development proposals. Future development on the identified sites would be required to pay development impact fees to contribute their fair share toward necessary improvements. In addition, any necessary fire protection facility improvements (facilities and/or infrastructure) would be subject to subsequent environmental review at the time improvements are proposed, which would identify and mitigate any site-specific environmental effects.

##### **Significant Risk of Loss Due to Wildland Fire (p.3.9-6)**

In November 2007, Cal Fire adopted Fire Hazard Severity Zone (FHSZ) maps for State Responsibility Areas. The current adopted map identifies the project area as a very high fire hazard severity (VHFHS) zone.

In June 2010, the City of Wildomar adopted Ordinance 52, which adopted the VHFHS zone established by Cal Fire. As previously noted, future development associated with the proposed project would be required to be designed in accordance with the California Fire Code, as amended under Section 8.28.020 of the Wildomar Municipal Code. Although Cal Fire and the City have identified the area as being within a VHFHS zone, the existing urban development within the city limits, as opposed to adjacent to vacant open space, reduces the potential for wildfire hazards. According to the RCFD (2013b), the community has a low-density, suburban planned character that falls under the RCFD's definition of "urban" land use.

In consideration of the proposed project resulting in residential development primarily within existing city limits, the size of the community and number of existing fire stations, compliance with the California Fire Code, and the existing urban characteristics, development allowed under the proposed project will not result in a significant risk of exposure of individuals or structures to the threat of wildfire.

##### **Cumulative Demand on Fire Protection Facilities and Fire Flow (pp.3.9-7 through -8)**

Implementation of the proposed project, in combination with other existing, planned, proposed, approved, and reasonably foreseeable development in the RCFD Battalion 2 service area, may increase the demand for fire protection and emergency medical services, as well as fire flow, and increase the number of dwelling units within a wildfire hazard area. However, given the required periodic review of inter-jurisdictional fire response agreements and that all future development would be required to comply with the California Fire Code and subsequent CEQA environmental review, the proposed project's contribution to fire protection and emergency services, fire flow, and wildfire hazards would not be cumulatively considerable.

#### **Increased Demand for Law Enforcement Services (p.3.9-10 through -11)**

Development associated with the proposed project will occur on the identified sites, which are currently vacant and receiving law enforcement services from the RCSD Lake Elsinore Station. Because development associated with the proposed project is in an already developed area, the RCSD will not be required to expand its service area to accommodate the proposed project once development is complete. This incremental increased demand for law enforcement services, as analyzed in Section 3.9 of the Draft EIR, would be met through amendment of the contract service agreement during annual budget review. The costs associated with the hiring of additional officers would be funded through property taxes and development impact fees. The eight additional officers needed to serve development associated with the proposed project would not warrant the need for expanded facilities.

#### **Cumulative Demand for Law Enforcement Services (p.3.9-11)**

Implementation of the proposed project, in combination with other existing, planned, proposed, approved, and reasonably foreseeable development in the service area of the RCSD's Lake Elsinore Station, would increase the demand for law enforcement services and thus require additional staffing, equipment, and facilities, the construction of which could cause significant environmental impacts. However, future development would be subject to subsequent project-level CEQA review, which would identify any future need for expanded services/facilities and provide mitigation for the construction of those facilities accordingly.

#### **Increased Demand for School Facilities (pp.3.9-14 through -15)**

The proposed project represents a 4 percent increase in students over eight years or an annual increase in enrollment of less than 1 percent, which would not be sufficient growth to warrant the construction of new facilities. Current state law requires that impacts to current school facilities be mitigated through mandatory development impact fees. The fees enacted within the LEUSD for residential development will be collected for future development allowed by the proposed project and will act to mitigate the incremental impact the proposed project may have on the LEUSD's facilities.

#### **Cumulative Schools Impacts (p.3.9-15)**

Implementation of the proposed project is expected to result in population growth that would increase student enrollment in the Lake Elsinore Unified School District. Current state law requires that the environmental impact of new development on grade school facilities be considered fully mitigated through the payment of required development impact fees. All new development associated with the proposed project would be required to pay the applicable development impact fees. Furthermore, any significant expansion of school facilities or development of new school facilities would be subject to the appropriate CEQA environmental

review, which would identify any site-specific impacts and provide mitigation to reduce those impacts.

### **Water Supply Demand and Environmental Effects (pp.3.9-19 through -20)**

Implementation of the proposed project will increase the amount of allowable development in the city, thereby increasing demand for water supply that could result in significant effects on the physical environment. However, adequate water supply and delivery infrastructure exists to accommodate the increased demand associated with the proposed project actions.

### **Water Supply Infrastructure (pp. 3.9-20 through -21)**

- If the identified sites are developed, the demand for water would increase by approximately 1.3 million gallons per day or approximately 1,488 acre-feet per year. This would increase the demand on the existing distribution and treatment infrastructure. Future development would be required to be designed in accordance with EVMWD Development Standards and Standard Drawings, which provide water demand rates based on the particular land use in order to determine infrastructure needs. As analyzed in Section 3.9 of the Draft EIR, based on the EVMWD's water demand rates, planned infrastructure improvements would meet the average annual water demand. The increased water demand potentially generated by the proposed project would represent less than 2.0 percent of the projected average annual water demand and less than 1.0 percent of the maximum daily water demand projected for 2020. The incremental increase in water demand alone would not be substantial enough to warrant improvements to the infrastructure.

### **Cumulative Water Supply Impacts (p. 3.9-21 through -22)**

Implementation of the proposed project, in combination with other existing, planned, proposed, approved, and reasonably foreseeable development in the cumulative setting, would increase the cumulative demand for water supplies. However, this increased demand will not be sufficient to lead to a requirement for new water facilities and related infrastructure. It is anticipated that all future development would be reviewed on a project-by-project basis to determine necessary infrastructure improvements, which would be required to be installed by developers as part of individual developments. Regular maintenance and improvements are programmed into the EVMWD's capital improvement program and funded through development impact fees collected. Implementation of the proposed project, as well as subsequent project-level CEQA review for future development, will require that new development not proceed without adequate water supply and necessary infrastructure.

### **Wastewater Discharge Requirements (pp.3.9-26 through -27)**

The proposed project will allow the development of 1,678 additional housing units, which will increase the demand for wastewater treatment at the EVMWD's Regional WWTP. The NPDES permit for the EVMWD's Regional Plant (Regional Board Order No. R8-2005-0003 NPDES CA8000027) allows the EVWMD to discharge effluent to the Temescal Wash and to Lake Elsinore. The existing permit would need to be amended in the future to accommodate anticipated growth in the service area. Any expansion of the WWTP would be subject to subsequent environment review. The EVMWD is not exceeding any limits established in its current Urban Water Management Plan and will be required by the RWQCB to remain in

compliance after any future expansion of flow capacity. Therefore, the proposed project is not expected to exceed wastewater treatment requirements.

#### **Wastewater Conveyance and Treatment (pp.3.9-27 through -28)**

The proposed project's increase in population will result in an incremental increase in wastewater flows that would need to be collected, conveyed, and treated at the Regional WWTP. Future development would be required to obtain a will-serve letter prior to connecting to the sewer collection system, which would ensure that there is adequate capacity to serve the proposed development. Therefore, the proposed project is not expected to exceed wastewater treatment requirements or orders of the Regional Water Quality Control Board.

#### **Cumulative Wastewater Service Impacts (p.3.9-28)**

Development associated with the proposed project, along with other existing, planned, proposed, approved, and reasonably foreseeable development in the cumulative setting, would contribute to an increased cumulative demand for wastewater service. However, continued implementation of EVMWD standards would ensure adequate wastewater facilities are provided. Any future proposed development within the EVMWD service area would be required to obtain a will-serve letter from the EVMWD, which will confirm adequate facilities are available to serve the proposed development. The continued collection of connection fees help to maintain and expand existing facilities to meet the demand for treatment and recycled water. In addition, future development would be required implement conservation measures, including the use of recycled water, which would serve to reduce future discharge to the Temescal Wash and to Lake Elsinore.

#### **Increased Solid Waste Disposal (pp.3.9-31 through -32)**

Of the 235 tons per year of solid waste generated by future development associated with the proposed project, approximately 157 tons per year would be processed at the Perris Transfer Station and disposed of at the Lamb Canyon Landfill, whereas 78 tons per year would be processed at the Moreno Valley transfer station and disposed of at the El Sobrante Landfill. The proposed project's projected 0.014 and 0.0013 percent increase in solid waste processing/disposal demand at the Lamb Canyon Landfill and El Sobrante Landfill, respectively, would not be substantial enough to exceed capacity. There would be adequate landfill capacity to serve the identified sites. Additionally, all residential and mixed-use development on any of the identified development sites will be required to comply with federal, state, and local laws regarding the proper disposal of waste and recycling.

#### **Cumulative Solid Waste Impacts (pp.3.9-32 through -33)**

Implementation of the proposed project, in combination with other existing, approved, proposed, or reasonably foreseeable development, will increase the amount of residential and commercial development in the region. This growth would result in increased generation of solid waste that would need to be processed at various landfills throughout Riverside and San Bernardino counties. Future development in the region would be subject to subsequent environmental review to evaluate potential increased demand on solid waste facilities. In addition, the RCWMD ensures that Riverside County has a minimum of 15 years of capacity, at any time, for future landfill disposal. The incremental development associated with the proposed project would represent less than a 1 percent increase in solid waste disposal at two of the landfills in the region. This increase would not be cumulative considerable.

### **Increased Demand for Parks and Recreation Facilities** (pp. 3.9-35 through -36)

Implementation of the proposed project would increase the population that will be served by parks and recreation facilities. However, future development would be required to comply with Section 3.44.070 of the City of Wildomar Municipal Code, which requires payment of development impact fees to acquire or construct facilities, purchase regional parkland, and preserve habitat and open space. Payment of the development impact fee would mitigate the future increased demand for park and recreation facilities generated by implementation of the proposed project. Additionally, future park facilities developed in the city would be subject to subsequent project-level environmental review. In addition, future residential subdivisions would be conditioned to provide parkland within the developments, which be incorporated into the subdivision design and subject to subsequent environmental review.

### **Cumulative Park and Recreation Demands** (pp. 3.9-36 through -37)

Future development, along with other existing, planned, proposed, approved, and reasonably foreseeable development in the region, would increase the use of existing parks and would contribute to the cumulative demand for regional and local parks and recreational facilities and services in Wildomar. Development associated with the proposed project would likely pay development impact fees pursuant to Section 3.44.070 of the Wildomar Municipal Code due to the size and density of identified sites. Future subdivision developments would be required to provide adequate park facilities to meet the demand of proposed development. Environmental impacts resulting from the provision of park and recreational facilities would be identified by subsequent project-level environmental review in conjunction with the individual subdivision development projects.

**Findings:** The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will result in less than significant impacts associated with increased demand for fire protection and emergency medical services and fire flow; significant risk of loss due to wildland fire; cumulative demand on fire protection facilities and fire flow; increased demand for law enforcement services; cumulative demand for law enforcement services; increased demand for school facilities; cumulative school impacts; water supply demand and environmental effects; water supply infrastructure; cumulative water supply impacts; water discharge requirements; water conveyance and treatment; cumulative wastewater service impacts; increase solid waste disposal; cumulative solid waste impacts; increased demand for parks and recreation facilities; and cumulative park and recreation demands.

### **Conflict with Alternative Transportation** (p.3.10-26 through -27)

The proposed project would redesignate and rezone several parcels to allow for the future development of high-density residential and mixed uses. The project does not alter routes or include any components that would conflict with adopted policies, plans, and program supporting alternative transportation, and in fact, increases in densities may actually promote such policies.

**Findings:** The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will result in less than significant impacts with regard to conflict with alternative transportation.

## 6.0 LESS THAN SIGNIFICANT ENVIRONMENTAL IMPACTS WITH MITIGATION INCORPORATED

Based on the Draft EIR, the Final EIR, and the record of proceedings, the City of Wildomar makes the following findings associated with significant, potentially significant, and cumulatively significant impacts that can be mitigated to a less than significant level through implementation of proposed mitigation measures, for all of the specific topic areas identified below. Page numbers in parentheses refer to the Draft EIR unless otherwise noted.

Biological Resources (impacts to special-status wildlife species, pp. 3.2-20 through -21; impacts to raptors and migratory birds, pp.3.2-21 through -22; impacts to burrowing owl, p. 3.2-22 through -24; impacts to sensitive vegetation communities, including riparian habitat, p. 3.2-4; impacts to jurisdictional wetlands, 3.2-25 through -26; and conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan, p. 3.2-27)

Cultural Resources (impacts to archaeological resources, p.3.4-9 through -11; impacts to paleontological resources, p. 3.4-12; and impacts to human remains, p. 3.4-13).

Geology and Soils (impacts associated with fault rupture, pp. 3.5-12 through -16; impacts associated with strong ground shaking, p. 3.5-16; exposure to seismic-related ground failure, including liquefaction, p. 3.5-16 through -17; unstable soils, p.3.5-18; mineral resources, pp.3.5-19 through -20)

Hydrology and Water Quality (impacts associated with water quality, pp. 3.6-19 through -24; alter drainage patterns resulting in on- and off-site erosion, siltation, or flooding or an increase in stormwater runoff, p. 3.6-25; flood hazards, pp.3.6-25 through -26)

Land Use and Planning (conflict with applicable habitat conservation plan or natural communities conservation plan, pp.3.7-9 through -10)

### 6.1 BIOLOGICAL RESOURCES

#### Impacts to Special-Status Wildlife Species (pp. 3.2-20 through -21)

As indicated in Table 3.2-2, in Section 3.2 of the Draft EIR, numerous special-status species occurrences are known to occur within or near the Planning Area. However, all federal and state-listed species with the potential to occur in the 25 subject sites are covered under the MSHCP. In addition, certain unlisted special-status species, including burrowing owl, are adequately conserved under the MSHCP.

**Findings:** The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will result in potentially significant impacts to biological resources (impacts to special-status wildlife species). The following mitigation measures shall be implemented to substantially lessen the severity of the impact:

#### Mitigation Measures

- **MM 3.2.1** For the development of any of the subject sites associated with the proposed project, the project applicant(s) shall follow measures to preserve sensitive

species and their critical habitats consistent with the requirements of the MSHCP.

### **Impacts to Raptors and Migratory Birds** (pp.3.2-21 through -22)

- Habitats on and adjacent to any of the 25 sites identified for land use redesignation and zoning ordinance revisions may provide suitable nesting habitat for birds protected under the Migratory Bird and Treaty Act and Section 3503.5 of the California Fish and Game Code. Therefore, removal of trees and vegetation during construction activities could result in noise, dust, human disturbance, and other direct/indirect impacts to nesting raptors and migratory bird species in the vicinity. Potential nest abandonment and mortality to eggs and chicks would be considered potentially significant impacts.

**Findings:** The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will result in potentially significant impacts to biological resources (impacts to special-status wildlife species). The following mitigation measures shall be implemented to substantially lessen the severity of the impact:

### **Mitigation Measures**

- **MM 3.2.2** For any potential development of any of the subject sites associated with the proposed project, the project applicant(s) shall conduct construction and clearing activities outside of the avian nesting season (January 15–August 31), where feasible. If clearing and/or construction activities occur during the nesting season, preconstruction surveys for nesting raptors and migratory birds shall be conducted by a qualified biologist, no more than 14 days before initiation of clearing or construction activities. The qualified biologist shall survey the construction zone and a 250-foot radius surrounding the construction zone to determine if active nests are present. If the qualified biologist determines that active nests are present, the applicant shall minimize the potential impacts to nesting birds by establishing avoidance buffers around the active nests. The avoidance buffer shall be no less than:

250 feet for active nests of state or federally listed migratory birds and all raptors

50 feet for active nests of all other bird species.

- Avoidance within these buffers shall be maintained throughout the nesting season until the young of the nests have fledged or the nest is abandoned.

### **Impacts to Burrowing Owls** (pp.3.2-22 through -24)

The sites identified for land use designation and zoning ordinance revisions are located within the Burrowing Owl Survey Area (Figure 6-4 of the MSHCP). Preconstruction nesting season surveys will need to be conducted following the guidelines provided in the MSHCP. Project implementation may result in potentially significant impacts to the species.

**Findings:** The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will result in potentially significant impacts to biological resources (impacts to burrowing owls). The following

mitigation measures shall be implemented to substantially lessen the severity of the impact:

### **Mitigation Measures**

**MM 3.2.3a** Per MSHCP Species-Specific Objective 6, if any of the 25 subject sites are within the Burrowing Owl Survey Area and suitable habitat is present, preconstruction presence/absence surveys for burrowing owl will be conducted for all covered activities through the life of the permit. Surveys will be conducted within 30 days prior to disturbance. Take of active nests will be avoided. Passive relocation (use of one-way doors and collapse of burrows) will occur when owls are present outside the nesting season.

The breeding period for burrowing owls is February 1 through August 31, with the peak being April 15 to July 15, the recommended survey window. Winter surveys may be conducted between December 1 and January 31. If construction is delayed or suspended for more than 30 days after the survey, the area shall be resurveyed.

Surveys shall be completed for occupied burrowing owl burrows in all construction areas and within 150 meters (500 feet) of the project work areas (where possible and appropriate based on habitat). All occupied burrows will be mapped on an aerial photo.

**MM 3.2.3b** Based on the burrowing owl survey results, the City shall require the project applicant(s) associated with potential development on any of the 25 subject sites to take the following actions to offset impacts prior to ground disturbance if owls are found to be present:

- If paired owls are nesting in areas scheduled for disturbance or degradation, nest(s) shall be avoided from February 1 through August 31 by a minimum of a 75-meter (250 feet) buffer or until fledging has occurred. Following fledging, owls may be passively relocated by a qualified biologist.
- If impacts on occupied burrows in the non-nesting period are unavoidable, on-site passive relocation techniques may be used if approved by the CDFW to encourage owls to move to alternative burrows outside of the impact area. However, no occupied burrows shall be disturbed during the nesting season unless a qualified biologist verifies through noninvasive methods that the burrow is no longer occupied. Foraging habitat for relocated pairs shall be provided in accordance with guidelines provided by the CDFW (2012).
- If relocation of the owls is approved for the site by the CDFW, the City shall require the developer to hire a qualified biologist to prepare a plan for relocating the owls to a suitable site. The relocation plan must include all of the following:
  - The location of the nest and owls proposed for relocation.

- The location of the proposed relocation site.
  - The number of owls involved and the time of year when the relocation is proposed to take place.
  - The name and credentials of the biologist who will be retained to supervise the relocation.
  - The proposed method of capture and transport for the owls to the new site.
  - A description of site preparation at the relocation site (e.g., enhancement of existing burrows, creation of artificial burrows, one-time or long-term vegetation control).
  - A description of efforts and funding support proposed to monitor the relocation.
- If paired owls are present within 50 meters (160 feet) of a temporary project disturbance (i.e., parking areas), active burrows shall be protected with fencing/cones/flagging and monitored by a qualified biologist throughout construction to identify losses from nest abandonment and/or loss of reproductive effort (e.g., killing of young).

**Impacts to Sensitive Vegetation Communities, Including Riparian Habitat (p.3.2-24)**

Implementation of the proposed project could result in disturbance and degradation of riparian habitat or other sensitive natural communities identified in local or regional plans, policies, or regulations, or by the CDFW or USFWS.

**Findings:** The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will result in potentially significant impacts to biological resources (impacts to sensitive vegetation communities, including riparian habitat). The following mitigation measures shall be implemented to substantially lessen the severity of the impact:

**Mitigation Measure**

**MM 3.2.4** As part of the 1602 Streambed Alteration Agreement from the CDFW, the project applicant(s) associated with the development on any of the subject sites associated with the proposed project shall prepare and implement a Vegetation Mitigation and Monitoring Plan for disturbed vegetation. Ratios for mitigation will be determined by the CDFW at a minimum of 1:1 to ensure no net loss of vegetation within CDFW jurisdiction.

## Impacts to Jurisdictional Wetland (p.3.2-25 through -26)

Implementation of the proposed project could result in the loss of jurisdictional waters of the United States and waters of the State.

**Findings:** The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will result in potentially significant impacts to biological resources (impacts to jurisdictional wetlands). The following mitigation measures shall be implemented to substantially lessen the severity of the impact:

### Mitigation Measures

**MM 3.2.5** A formal jurisdictional delineation shall be conducted for areas that will be permanently or temporarily impacted by projects associated with potential development on any of the 25 subject sites. If waters of the United States and waters of the State cannot be avoided, the project applicant(s) associated with potential development on any of the 25 subject sites shall apply for a CWA Section 404 permit from the USACE, a Section 401 permit from the RWQCB, and a 1602 Streambed Alteration Agreement from the CDFW. These permits shall be obtained prior to issuance of grading permits and implementation of any proposed project.

The project applicant(s) associated with site-specific development on the 25 subject sites shall ensure that the project will result in no net loss of waters of the United States and waters of the State by providing mitigation through impact avoidance, impact minimization, and/or compensatory mitigation for the impact, as determined in the CWA Section 404/401 permits and the 1602 Streambed Alteration Agreement.

Compensatory mitigation may consist of (a) obtaining credits from a mitigation bank; (b) making a payment to an in-lieu fee program that will conduct wetland, stream, or other aquatic resource restoration, creation, enhancement, or preservation activities; these programs are generally administered by government agencies or nonprofit organizations that have established an agreement with the regulatory agencies to use in-lieu fee payments collected from permit applicants; and/or (c) providing compensatory mitigation through an aquatic resource restoration, establishment, enhancement, and/or preservation activity. This last type of compensatory mitigation may be provided at or adjacent to the impact site (i.e., on-site mitigation) or at another location, usually within the same watershed as the permitted impact (i.e., off-site mitigation). The project proponent/permit applicant retains responsibility for the implementation and success of the mitigation project.

Evidence of compliance with this mitigation measure shall be provided prior to construction and grading activities for the proposed project.

**Conflict with the Provisions of an Adopted Habitat Conservation Plan, Natural Community Conservation Plan, or Other Approved Local, Regional, or State Habitat Conservation Plan (p. 3.2-27)**

Implementation of the proposed project could result in disturbance and degradation of riparian/riverine habitat, as defined in Section 6.1.2 of the MSHCP.

**Findings:** The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will result in potentially significant impacts to biological resources (impacts to jurisdictional wetlands). The following mitigation measures shall be implemented to substantially lessen the severity of the impact:

**Mitigation Measures**

**MM 3.2.8** If riparian/riverine habitats covered under the MSHCP cannot be avoided, the project applicant(s) shall submit a Determination of Biological Equivalent or Superior Preservation (DBESP) for development on any of the subject sites associated with the proposed project, as outlined in Section 4.2 of the MSHCP Permittee Implementation Guidance Manual, to the City for approval.

For development on any of the subject sites associated with the proposed project, the project applicant(s) shall ensure that no net loss of riparian/riverine habitats will result by providing mitigation through impact avoidance, impact minimization, and/or compensatory mitigation for the impact, as determined in the DBESP. Mitigation accomplished under mitigation measure **MM 3.2.4** may apply to meet the standards where appropriate.

**Residual Impact**

After the implementation of mitigation measures MM 3.2.1, MM 3.2.2, MM 3.2.3a, MM 3.2.3b, MM 3.2.4, MM 3.2.5, and MM 3.2.8, the proposed project's biological impacts to impacts to special-status wildlife species; raptors and migratory birds; burrowing owl; sensitive vegetation communities, including riparian habitat; jurisdictional wetlands; and conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan, would be less than significant.

**6.2 CULTURAL RESOURCES**

**Impacts to Archaeological Resources (pp.3.4-9 through -11)**

Implementation of the proposed project could result in a substantial adverse change in the significance of a unique archaeological resource, as well as the potential disturbance of currently undiscovered cultural resources (i.e., prehistoric archaeological sites, historical archaeological sites, and isolated artifacts and features) and human remains.

**Findings:** The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will result in potentially significant impacts to cultural resources (impacts to archaeological resources). The

following mitigation measures shall be implemented to substantially lessen the severity of the impact:

### **Mitigation Measures**

**MM 3.4.2a** Prior to beginning construction of any project contemplated in the Housing Element, the project applicant shall retain an archaeologist listed on the Riverside County qualified consultant list to monitor all ground-disturbing activities in an effort to identify any unknown archaeological resources. Any newly discovered cultural resource deposits shall be subject to a cultural resources evaluation in consultation with the Pechanga Tribe.

**MM 3.4.2b** At least 30 days prior to beginning construction of any project contemplated in the Housing Element, the project applicant shall contact the Pechanga Tribe to notify the Tribe of grading, excavation, and the monitoring program, and to coordinate with the City and the Tribe to develop a Cultural Resources Treatment and Monitoring Agreement. The agreement shall address the treatment of known cultural resources; the designation, responsibilities, and participation of professional Native American Tribal monitors during grading, excavation, and ground-disturbing activities; project grading and development scheduling; terms of compensation for the monitors; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on the site consistent with Public Resources Code Section 21083.2 and CEQA Guidelines Section 15064.5.

**MM 3.4.2c** Prior to beginning construction of any project contemplated in the Housing Element, the project archaeologist shall file a pre-grading report with the City (if grading is to be done) to document the proposed methodology for grading activity observation, which will be determined in consultation with the Pechanga Tribe. Said methodology shall include the requirement for a qualified archaeological monitor to be present and to have the authority to stop and redirect grading activities. In accordance with the agreement required in mitigation measure MM 3.4.2b, the archaeological monitor's authority to stop and redirect grading will be exercised in consultation with the Pechanga Tribe in order to evaluate the significance of any archaeological resources discovered on the property. Tribal and archaeological monitors shall be allowed to monitor all grading, excavation, and groundbreaking activities and shall also have the authority to stop and redirect grading activities.

**MM 3.4.2d** If inadvertent discoveries of subsurface archaeological resources are discovered during the grading for any project contemplated in the Housing Element, the developer, the project archaeologist, and the Tribe shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. Pursuant to California Public Resources Code Section 21083.2(b), avoidance shall be the preferred method of preservation for archaeological resources, including but not limited to sacred sites.

If the parties above cannot agree on the significance or the mitigation for such resources, these issues will be presented to the City of Wildomar Planning Director for decision. The Planning Director shall make the

determination based on the provisions of the California Environmental Quality Act with respect to archaeological resources and shall take into account the religious beliefs, customs, and practices of the Tribe. Notwithstanding any other rights available under the law, the decision of the Planning Director shall be appealable to the Planning Commission and the Planning Commission's decision shall be appealable to the City Council.

The landowner shall relinquish ownership of all cultural resources, including sacred items, burial goods, and all archaeological artifacts that are found in the project area, to the Pechanga Tribe for proper treatment and disposition, which may include curation at the Pechanga Cultural Resources Curation Facility, which meets the standards required by 36 CFR Part 79.

### **Impacts to Paleontological Resources ( p. 3.4-12)**

Implementation of the proposed project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

**Findings:** The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will result in potentially significant impacts to cultural resources (impacts to paleontological resources). The following mitigation measures shall be implemented to substantially lessen the severity of the impact:

### **Mitigation Measures**

**MM 3.4.3** Prior to issuance of a grading permit for a project contemplated in the Housing Element, the project applicant shall retain a qualified professional to assess the potential for presence of paleontological resources and the potential for project construction to affect such resources if present. If it is determined, to the satisfaction of the City, that there is low potential for discovery or disturbance of paleontological resources, no further action shall be required.

If potential for discovery is deemed moderate to high, the project applicant shall retain a qualified paleontologist to monitor all initial ground-disturbing activities in native soils or sediments. If the paleontologist, upon observing initial earthwork, determines there is low potential for discovery, no further action shall be required and the paleontologist shall submit a memo to the City confirming findings of low potential.

Should any paleontological resources (i.e., fossils) be uncovered during project construction activities, all work within a 100-foot radius of the discovery site shall be halted or diverted to other areas on the site and the City shall be immediately notified. A qualified paleontologist shall evaluate the finds and recommend appropriate next steps to ensure that the resource is not substantially adversely impacted, including but not limited to avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. Further ground disturbance shall not resume within a 100-foot radius of the discovery site until an agreement has been reached between the project applicant, a qualified paleontologist, and the City

as to the appropriate preservation or mitigation measures to ensure that the resource is not substantially adversely impacted.

### **Impacts to Human Remains (p. 3.4-13)**

Implementation of the proposed project could result in the inadvertent disturbance of undiscovered human remains.

**Findings:** The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will result in potentially significant impacts to cultural resources (impacts to human remains). The following mitigation measures shall be implemented to substantially lessen the severity of the impact:

### **Mitigation Measures**

**MM 3.4.4** If human remains are encountered, no further ground disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin as required by California Health and Safety Code Section 7050.5. Further, pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. The decision as to the treatment and disposition of the remains shall be made consistent with the procedures and standards contained in Health and Safety Code Section 5097.98 and CEQA Guidelines Section 15064.5(e) and the Treatment Agreement described in mitigation measure **MM 3.4.2b**.

### **Residual Impact**

After the implementation of mitigation measures MM 3.4.2a, MM 3.4.2b, MM 3.4.2c, MM 3.4.2d, MM 3.4.3, and MM 3.4.4, the proposed project's cultural resources impacts archaeological resources; paleontological resources; and human remains would be less than significant.

## **6.3 GEOLOGY AND SOILS**

### **Impacts Associated with Fault Rupture (pp. 3.5-12 through -16)**

The proposed project could expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map.

**Findings:** The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will result in potentially significant impacts to geology and soils (impacts associated with fault rupture). The following mitigation measures shall be implemented to substantially lessen the severity of the impact:

### **Mitigation Measures**

- **MM 3.5.1** Prior to the issuance of building permits for development on the subject sites associated with the proposed project, the project applicant(s) shall submit

design-level, site-specific geotechnical reports and building plans to the City of Wildomar for review and approval. The geotechnical report shall summarize the subsurface investigations performed, interpret the existing geological conditions, establish the geotechnical design parameters for the various soils and rock strata encountered, provide geotechnical recommendations for design of the proposed foundations and/or geotechnical features, and identify existing conditions that may influence construction. The investigation shall include fieldwork, such as trench excavations and/or borings, geologic mapping, soils samples, laboratory analysis, and a thorough evaluation of all encountered geotechnical hazards. Additionally, for sites 13, 20, 22, and 24 (APNs 367050068, 367050064, 380220002, and 380270013, respectively), the report shall define and delineate any hazard of surface fault rupture and shall be prepared in accordance with the requirements of the Alquist-Priolo Earthquake Fault Zoning Act (per Chapter 15.76 of the City of Wildomar Municipal Code). The recommendations in the report shall ensure that the project is built to standards outlined in the California Building Code. The project applicant(s) shall incorporate the recommendations of the approved project-level geotechnical study into project plans. The project's building plans shall demonstrate that they incorporate all applicable recommendations of the design-level geotechnical study and comply with all applicable requirements of the latest adopted version of the CBC. A licensed professional engineer shall prepare the plans, including those that pertain to soil engineering, structural foundations, pipeline excavation, and installation. All on-site soil engineering activities shall be conducted under the supervision of a licensed geotechnical engineer or certified engineering geologist.

### **Impacts Associated with Strong Groundshaking (p3.5-16)**

The project area includes soils that may be subject to strong seismic ground shaking.

**Findings:** The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will result in potentially significant impacts to geology and soils (impacts associated with strong ground shaking). The following mitigation measures shall be implemented to substantially lessen the severity of the impact:

### **Mitigation Measures**

Implementation of MM 3.5.1.

### **Exposure to Seismic-Related Ground Failure, Including Liquefaction (pp. 3.5-16 through - 17)**

The city includes soils that may be subject to seismic-related liquefaction.

**Findings:** The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will result in potentially significant impacts to geology and soils (exposure to seismic-related ground failure, including liquefaction). The following mitigation measures shall be implemented to substantially lessen the severity of the impact:

## Mitigation Measures

Implementation of MM 3.5.1.

### Unstable Soils (p.3.5-18)

Wildomar is located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.

**Findings:** The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will result in potentially significant impacts to geology and soils (unstable soils). The following mitigation measures shall be implemented to substantially lessen the severity of the impact:

## Mitigation Measures

Implementation of MM 3.5.1.

### Mineral Resources (pp. 3.5-19 through -20)

Wildomar is located in an area classified as having potential for mineral deposits to exist.

**Findings:** The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will result in potentially significant impacts to geology and soils (mineral resources). The following mitigation measures shall be implemented to substantially lessen the severity of the impact:

## Mitigation Measures

**MM 3.5.9** Pursuant to the Public Resources Code, the Surface Mining and Reclamation Act, Chapter 9, Article 4, Section 2762(e), prior to the issuance of grading permit on lands classified by the State Geologist as MRZ-3 (as described in paragraph (3) of subdivision (b) of Section 2761), the County Geologist shall make a site-specific determination as to the site's potential to contain or yield important or significant mineral resources of value to the region and the residents of the State of California.

- If it is determined by the County Geologist that lands classified as MRZ-3 have the potential to yield significant mineral resources which may be of "regional or statewide significance" and the proposed use is considered "incompatible" (as defined by Section 3675 of Title 14, Article 6, of the California Code of Regulations) and could threaten the potential to extract said minerals, the project applicant(s) shall prepare an evaluation of the area in order to ascertain the significance of the mineral deposit located therein. This site-specific mineral resources study shall be performed to, at a minimum, document the site's known or inferred geological conditions; describe the existing levels of development on or near the site which might preclude mining as a viable adjacent use; and analyze the

state standards for designating land as having “regional or statewide significance” under the Surface Mining and Reclamation Act. The results of such evaluation shall be transmitted to the State Geologist and the State Mining and Geological Board (SMGB).

- Should significant mineral resources be identified, the project applicant(s) shall either avoid said resource or shall incorporate appropriate identified resources subject to a site-specific discretionary review and CEQA process.

## **Residual Impact**

After the implementation of mitigation measures MM 3.5.1 and MM 3.5.9, the proposed project’s geology and soils impacts would be less than significant.

### 6.4 HYDROLOGY AND WATER QUALITY

#### **Water Quality** (pp. 3.6-19 through -24)

Potential development associated with the proposed project could result in erosion and water quality degradation of downstream surface water and groundwater resources. Compliance with the requirements of the SWRCB’s Construction General Permit during construction and implementation of best management practices during operations would minimize the potential for such degradation.

**Findings:** The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will result in potentially significant impacts to hydrology and water quality (water quality). The following mitigation measures shall be implemented to substantially lessen the severity of the impact:

#### **Mitigation Measures**

- **MM 3.6.1** Prior to the approval of the grading permit for future development on each of the project sites, the project applicant(s) shall be required to prepare a stormwater pollution and prevention plan (SWPPP) consistent with the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2010-0014-DWQ), which is to be administered through all phases of grading and project construction. The SWPPP shall incorporate best management practices (BMPs) to ensure that potential water quality impacts during construction phases are less than significant. The SWPPP shall be submitted to the Regional Water Quality Control Board and to the City of Wildomar for review. A copy of the SWPPP must be kept accessible on the project site at all times. In addition, the project applicant(s) will be required to submit, and obtain City approval of, a Water Quality Management Plan (WQMP) prior to the issuance of the grading permit for future development on the project site in compliance with the Areawide Urban Runoff Management Program. The project shall implement site design BMPs, source control BMPs, and treatment control BMPs as identified in the Water Quality Management Plan. Site design BMPs shall include, but are not limited to, landscape buffer areas, on-site ponding

areas, roof and paved area runoff directed to vegetated areas, and vegetated swales. Source control BMPs shall include, but are not limited to, education, landscape maintenance, litter control, parking lot sweeping, irrigation design to prevent overspray, and covered trash storage. Treatment control BMPs shall include vegetated swales and a detention basin, or an infiltration device. The project will be responsible for maintenance of the basins.

### **Alter Drainage Patterns Resulting in On- and Off-Site Erosion, Siltation, or Flooding or an Increase in Stormwater Runoff (p. 3.6-25)**

Development of the proposed project may alter the existing drainage pattern of the sites to impact stormwater runoff rates and volumes compared to existing conditions.

**Findings:** The City finds, based on the Draft EIR, the Final EIR, and the whole of the record that the proposed project will result in potentially significant impacts to hydrology and water quality (alter drainage patterns resulting in on- and off-site erosion, siltation, or flooding or an increase in stormwater runoff). The following mitigation measures shall be implemented to substantially lessen the severity of the impact:

#### **Mitigation Measures**

Implementation of mitigation measure MM 3.6.1

#### **Flood Hazards (pp.3.6-25 through -26)**

As described in the Existing Setting in Section 3.6 of the Draft EIR, the proposed project is located within Zone X (low flood risk area). However, MUPA sites 2, 3, 5, 7, 11, 14, and 19 are designated by FEMA as Zone AE (high flood risk area), indicating that these sites are in an area identified by FEMA as a 100-year mapped floodplain. Therefore, potential development associated with the proposed project at these sites would expose people or structures to significant risk of flooding.

**Findings:** The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will result in potentially significant impacts to hydrology and water quality (flood hazards). The following mitigation measures shall be implemented to substantially lessen the severity of the impact:

#### **Mitigation Measures**

**MM 3.6.4** Prior to the approval of grading permits for potential future development on sites 2, 3, 5, 7, 11, 14, and 19, the City of Wildomar shall require that flood control measures be implemented to protect any structures from flooding that would be located with the 100-year mapped floodplain areas (Zone AE). This will include gaining concurrence from FEMA that proposed development on MUPA sites 2, 3, 5, 7, 11, 14, and 19 meets all development standards for development in floodplains.

## Residual Impact

After the implementation of mitigation measures MM 3.6.1 and MM 3.6.4, the proposed project's hydrology and water quality impacts would be less than significant.

## 6.5 LAND USE

### **Conflict with Applicable Habitat Conservation Plan or Natural Communities Conservation Plan** (pp.3.7-9 through -10)

Development allowed under the proposed project could conflict with the Western Riverside County Multiple Species Habitat Conservation Plan effort.

**Findings:** The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will result in potentially significant impacts to land use and planning (conflict with applicable habitat conservation plan or natural communities conservation plan). The following mitigation measure shall be implemented to substantially lessen the severity of the impacts:

### **Mitigation Measure**

Implementation of mitigation measures MM 3.2.1 and MM 3.2.8, as discussed in Section 3.2, Biological and Natural Resources.

## Residual Impact

After the implementation of mitigation measure MM 3.2.1 and MM 3.2.8, the proposed project's noise impacts would be less than significant.

## 7.0 SIGNIFICANT AND UNAVOIDABLE ENVIRONMENTAL IMPACTS

Based on the criteria set forth in the Draft EIR and the Final EIR, the City finds that the following environmental effects of the project are significant and unavoidable and cannot be reduced through mitigation measures to a less than significant level. However, as explained in the Statement of Overriding Considerations contained in Section 12 below, these effects are considered to be acceptable when balanced against the economic, legal, social, technological, and other benefits of the project. Page numbers in parentheses refer to the Draft EIR unless otherwise noted.

- Air Quality (conflict with the 2012 air quality management plan, pp. 3.1-12 through -13; violate air quality standard or contribute substantially to an air quality violation: short-term construction emissions, pp.3.1-13 through 3.1-15; violate air quality standard or contribute substantially to an air quality violation: long-term operational emissions, pp.3.1-16 through -17; and result in a cumulatively considerable net increase in nonattainment criteria pollutant, p.3.1-12)
- Transportation and Circulation (substantial increase in traffic, pp. 3.10-17 through -26; substantial increase in traffic, pp. 3.10-28 through -29)

## 7.1 AIR QUALITY

### **Conflict with the 2012 Air Quality Management Plan (pp. 3.1-12 through -13)**

The following is a list of noteworthy SCAQMD rules that are required of the proposed project during construction activities:

- **Rule 402 (Nuisance)** – This rule prohibits the discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health, or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property. This rule does not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals.
- **Rule 403 (Fugitive Dust)** – This rule requires fugitive dust sources to implement Best Available Control Measures for all sources and all forms of visible particulate matter are prohibited from crossing any property line. SCAQMD Rule 403 is intended to reduce PM<sub>10</sub> emissions from any transportation, handling, construction, or storage activity that has the potential to generate fugitive dust. PM<sub>10</sub> suppression techniques are summarized below.
  - a. Portions of the construction site to remain inactive longer than a period of three months will be seeded and watered until grass cover is grown or otherwise stabilized in a manner acceptable to the City.
  - b. All on-site roads will be paved as soon as feasible or watered periodically or chemically stabilized.
  - c. All material transported off-site will be either sufficiently watered or securely covered to prevent excessive amounts of dust.
  - d. The area disturbed by clearing, grading, earth moving, or excavation operations will be minimized at all times.
  - e. Where vehicles leave the construction site and enter adjacent public streets, the streets will be swept daily or washed down at the end of the work day to remove soil tracked onto the paved surface.
- **Rule 1113 (Architectural Coatings)** – This rule requires manufacturers, distributors, and end-users of architectural and industrial maintenance coatings to reduce ROG emissions from the use of these coatings, primarily by placing limits on the ROG content of various coating categories.

However, even with the implementation of SCAQMD Rules that are required of the proposed project, subsequent land use activities associated with implementation of the proposed project would still conflict with or obstruct implementation of the 2012 Air Quality Management Plan.

**Findings:** The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project would result in significant and

unavoidable impacts to air quality (conflicts with the 2012 AQMP) and that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

### **Mitigation Measures**

None available.

### **Residual Impact**

The SCAQMD is required, pursuant to the federal Clean Air Act, to reduce emissions of criteria pollutants for which the South Coast Air Basin (SoCAB) is in nonattainment. In order to reduce such emissions, the SCAQMD drafted the 2012 Air Quality Management Plan. The 2012 AQMP establishes a program of rules and regulations directed at reducing air pollutant emissions and achieving state (California) and national air quality standards. The proposed project is in the SoCAB, under the jurisdiction of the SCAQMD. Because the proposed project exceeds the long-term operational standards, conflicting with Consistency Criterion No. 1 and Consistency Criterion No. 2 of the 2012 AQMP, associated impacts are considered significant and unavoidable. No mitigation is available to reduce impacts to less than significant levels.

### **Violate Air Quality Standard or Contribute substantially to an Air Quality Violation: Short-Term Construction Emissions (pp.3.1-13 through 3.1-15)**

Subsequent land use activities associated with implementation of the proposed project could result in short-term construction emissions that could violate or substantially contribute to a violation of federal and state standards for ozone and coarse and fine particulate matter.

**Findings:** The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project would result in significant and unavoidable impacts to air quality (violate air quality standard or contribute substantially to an air quality violation: short-term construction emissions) and that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

### **Mitigation Measures**

None available.

### **Residual Impact**

Project-level analyses of air quality impacts, in accordance with CEQA requirements, would be conducted on a case-by-case basis as future development allowed under the proposed project proceeds. Future development under the proposed project would be subject to SCAQMD Rules 402, 403, and 1113 to reduce specific construction-related emissions further. However, these actions might not fully offset air pollutant emissions resulting from construction activities or even guarantee that SCAQMD construction-related thresholds are not surpassed by a future development project under the proposed project. Potential growth under the proposed Housing Element could add a significant amount of residential development and supporting infrastructure in Wildomar. Construction of these projects could result in construction emissions in excess of

SCAQMD significance threshold levels, established by the district to determine the significance for short-term, construction-related emissions from a project. Thus, this impact is considered significant and unavoidable.

**Violate Air Quality Standard or Contribute Substantially to an Air Quality Violation: Long-Term Operational Emissions (pp.3.1-16 through -17)**

Subsequent land use activities associated with implementation of the proposed project could result in long-term operational emissions that could violate or substantially contribute to a violation of federal and state standards for ozone and coarse and fine particulate matter.

**Findings:** The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project would result in significant and unavoidable impacts to air quality (violate air quality standard or contribute substantially to an air quality violation: short-term construction emissions) and that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

**Mitigation Measures**

None available.

**Residual Impact**

Project-level analyses of air quality impacts, in accordance with CEQA requirements, would be conducted on a case-by-case basis as future development allowed under the proposed project proceeds. However, long-term operational emissions associated with the full realization of development allowed under the proposed project would be in excess of SCAQMD significance threshold levels. Therefore, this impact is significant and unavoidable.

**Result in a Cumulatively Considerable Net Increase in Nonattainment Criteria (p.3.1-12)**

Implementation of the proposed project, in combination with cumulative development in the SoCAB, would result in a cumulatively considerable net increase of criteria air pollutants for which the SoCAB is designated nonattainment.

**Findings:** The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project would result in significant and unavoidable impacts to air quality (result in a cumulatively considerable net increase in nonattainment criteria pollutant) and that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

**Mitigation Measures**

None available.

## Residual Impact

The SCAQMD's approach to assessing cumulative impacts is based on the AQMP forecasts of attainment of ambient air quality standards in accordance with the requirements of the federal and California Clean Air Acts. As discussed earlier, the proposed project would be inconsistent with the Air Quality Management Plan, which is intended to bring the SoCAB into attainment for all criteria pollutants, since the operational emissions calculated for the proposed project (see Table 3.1-7 in Section 3.1 of the Draft EIR) exceed the applicable SCAQMD daily significance thresholds that are designed to assist the region in attaining the applicable state and national ambient air quality standards. As such, cumulative impacts would be significant and unavoidable.

### 7.2 TRANSPORTATION AND CIRCULATION

#### Substantial Increase in Traffic Volume (pp. 3.10-17 through -26)

The project will not conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit. The proposed project would result in no new impacts over what have already been identified.

**Findings:** The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project would result in significant and unavoidable impacts to transportation and circulation (substantial increase in traffic volume) and that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

#### Mitigation Measures

None feasible.

#### Residual Impact

All of the potential impacts on intersection capacity, roadway segment capacity, and traffic signal warrants are consistent with the impacts identified under the General Plan Buildout Without Project conditions. This indicates that the proposed project would not result in a substantial increase in demand on the circulation system over what has been analyzed and will be mitigated for as part of implementation of the General Plan, including the number of vehicle trips, the volume-to-capacity ratio on roads, or the congestion at intersections. However, there is no guarantee that there will be sufficient funding for any of the roadway improvements necessary to keep area roadways at an acceptable level of service. The City participates in the regional Transportation Uniform Mitigation Fee (TUMF) program and also has its own Development Impact Fee (DIF) requirement for new development. These programs are intended to provide funding for transportation improvements that benefit more than a single development. However, not all intersections or roadway segments are in these programs, and new development will be required to mitigate for the impact to non-program facilities at the time of environmental review.

As the City must collect funds as development occurs and amass sufficient funding before the roadway improvement can be constructed, it is likely that one or more roadway segments will drop to an unacceptable level of service before the City can make the improvement. Finally, some of the roadway segments in Table 3.10-7 in Section 3.10 of the Draft EIR are not wholly within the jurisdiction of the City of Wildomar and would require Caltrans approval before construction of the improvement. While the City expects the improvements to be constructed, the lack of certainty results in this impact being considered significant and unavoidable.

### **Substantial Increase in Traffic** (pp. 3.10-28 through -29)

Buildout of the Wildomar General Plan plus implementation of the proposed project will not conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit. The proposed project, in combination with buildout of the General Plan and the uncertainty of future transportation system improvement projects, would result in a cumulatively considerable and unavoidable impact.

**Findings:** The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project would result in significant and unavoidable impacts to transportation and circulation (substantial increase in traffic) and that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

### **Mitigation Measures**

None feasible.

### **Residual Impact**

Based on the analysis of both the Without Project and With Project conditions, the TIA determined that the project-specific traffic impacts resulting from full buildout of the parcels slated for redesignation and/or rezoning plus buildout of the Wildomar General Plan are consistent with the cumulative impacts that would occur as part of buildout of the Wildomar General Plan alone. Therefore, the proposed project does not result in a cumulatively considerable contribution to any of the possible traffic impacts that may occur as a result of buildout of the Wildomar General Plan.

However, as discussed in Impact 3.10.1 in Section 3.10 of the Draft EIR, there is no guarantee that there will be sufficient funding for any of the roadway improvements necessary to keep area roadways at an acceptable level of service. The City participates in the regional Transportation Uniform Mitigation Fee (TUMF) program and also has its own Development Impact Fee (DIF) requirement for new development. These programs are intended to provide funding for transportation improvements that benefit more than a single development. However, not all intersections or roadway segments are in these programs, and new development will be required to mitigate for the impact to non-program facilities at the time of environmental review.

As the City must collect funds as development occurs and amass sufficient funding before the roadway improvement can be constructed, it is likely that one or more roadway segments will drop to an unacceptable level of service before the City can make the improvement. Finally,

some of the roadway segments in Table 3.10-7 in Section 3.10 of the Draft EIR, are not wholly within the jurisdiction of the City of Wildomar and would require Caltrans approval before construction of the improvement. While the City expects the improvements to be constructed, the lack of certainty results in this impact being considered cumulatively considerable and unavoidable.

## **8.0 FEASIBILITY OF PROJECT ALTERNATIVES**

An EIR must briefly describe the rationale for selection and rejection of alternatives. The lead agency may make an initial determination as to which alternatives are feasible, and therefore merit in-depth consideration, and which are infeasible. The alternatives analyzed in the Draft EIR were ultimately chosen based on each alternative's ability to feasibly attain the basic project objectives while avoiding or reducing one or more the project's significant effects. The EIR discussed several alternatives to the proposed project in order to present a reasonable range of alternatives. The alternatives evaluated included:

- Alternative 1 – No Project Alternative, p. 4.0-2
- Alternative 2 – Increase Density on Sites 1-13

### **8.1 ALTERNATIVE 1 – NO PROJECT ALTERNATIVE**

#### **Alternative 1: No Project**

CEQA Guidelines Section 15126.6(e) requires that a No Project alternative be evaluated in an EIR. The No Project analysis must discuss the circumstance under which the project does not proceed. The comparison is that of the proposed project versus what can reasonably be expected to occur on the properties should the proposed project not be approved. The analysis allows decision-makers to compare the impacts of approving the project with the impacts of not approving the project (CEQA Guidelines Section 15126.6(e)(3)(B)).

#### 1. Air Quality (p. 4.0-3)

The air quality analysis for the proposed project identified that subsequent land use activities associated with the project could result in short- and long-term emissions that could violate or substantially contribute to a violation of federal and state standards for ozone and particulate matter, which was considered a significant and unavoidable impact and cumulatively considerable. Under Alternative 1, the 25 identified sites could be developed in accordance with the existing zoning and land use designations for the sites, which provide for less intense development of these sites (see Table 2.0-4 and Table 2.0-5 in Section 2.0, Project Description of the Draft EIR). Alternative 1 would likely have less construction activities and development, which would result in less short-term construction emissions and long-term operational and mobile source emissions. Therefore, Alternative 1 would result in a lesser degree of air quality impacts than the proposed project.

#### 2. Biological and Natural Resources

The biological analysis determined that the proposed project could result in adverse effects to special-status plant and animal species and to critical habitat, loss of habitat for raptors and migratory birds, as well as active nesting sites for burrowing owls, disturb or degrade sensitive habitat (including riparian/riverine habitat as defined in the MSHCP), and result in the loss of

jurisdictional waters of the United States and waters of the State. Implementation of mitigation measures MM 3.2.1, MM 3.2.2, MM 3.2.3a and 3.2.3b, MM 3.2.4, MM 3.2.5, and MM 3.2.8 would reduce these impacts to a less than significant level. Alternative 1 would have less land disturbance activities, which would result in fewer impacts to special-status species, critical and sensitive habitats, and nesting and migratory birds. Therefore, Alternative 1 would result in a lesser degree of impact to biological resources than the proposed project.

### 3. Climate Change and Greenhouse Gases

The proposed project will generate greenhouse gas emissions that would further contribute to effects on the environment. However, the proposed project would be consistent with the goals of Assembly Bill (AB) 32. Interim South Coast Air Quality Management District (SCAQMD) thresholds would not be surpassed and the emissions would not be cumulatively considerable. Alternative 1 would result in less construction activity and development, which would generate less greenhouse gas emissions. Therefore, Alternative 1 would result in a lesser degree of impact to climate change and greenhouse gases than the proposed project.

### 4. Cultural and Paleontological Resources

The proposed project could result in a substantial adverse change in the significance of an archaeological resource, undiscovered cultural resource, unique paleontological resource, or undiscovered human remains. Implementation of mitigation measures MM 3.4.2a through 3.4.2d, MM 3.4.3, and MM 3.4.4 would reduce these impacts to a less than significant level. Alternative 1 would result in less land disturbance activities, which would reduce the potential to affect archaeological resources, undiscovered cultural resources, unique paleontological resources, or undiscovered human remains. Therefore, Alternative 1 would result in a lesser degree of impact to cultural resources than the proposed project; however, mitigation measures would remain applicable to any development allowed under this alternative.

### 5. Geology, Soils, and Mineral Resources

The soil types in Wildomar are identified as being subject to strong seismic ground shaking and may be susceptible to seismic-related liquefaction or unstable soils. However, implementation of mitigation measure MM 3.5.1 would reduce these impacts to a less than significant level. In addition, the proposed project would potential adversely affect mineral resources. However, implementation of mitigation measure MM 3.5.9 would reduce this impact to a less than significant level by requiring a site-specific determination as to whether the project site would yield important or significant mineral resources. Alternative 1 would result in less land disturbance, which would reduce the potential for exposures to hazards associated with strong seismic ground shaking, seismic-related liquefaction, and unstable soils, as well as reducing the potential to adversely affect mineral resources. Therefore, Alternative 1 would result in a lesser degree of impact to geology, soils, and mineral resources than the proposed project; however, mitigation measures would remain applicable to any development allowed under this alternative.

### 6. Hydrology and Water Quality

The proposed project could result in erosion and water quality degradation downstream, alter drainage patterns which would increase runoff rates and volumes, and place housing within a 100-year floodplain. Implementation of mitigation measures MM 3.6.1 and MM 3.6.4 would reduce these impacts to a less than significant level. Alternative 1 would result in less housing development and land disturbance than the proposed project, which would reduce the potential

for erosion and water quality degradation, reduce the alteration of drainage patterns and subsequently lessen the amount of runoff rates and volumes, and reduce risk of exposure to flooding hazards. Therefore, Alternative 1 would result in a lesser degree of impact to hydrology and water quality than the proposed project; however, mitigation measures would remain applicable to any development allowed under this alternative.

## 7. Land Use

The uses contemplated under the proposed project may conflict with the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP); however, implementation of mitigation measures MM 3.2.1 and MM 3.2.8 (from Section 3.2, Biological and Natural Resources) would reduce this impact to a less than significant level. Alternative 1 would result in less land disturbance and development than the proposed project, which would reduce the potential to conflict with the MSHCP; however, mitigation measures would remain applicable to any development allowed under this alternative. In addition, the proposed project would prohibit the City of Wildomar from meeting its Regional Housing Needs Allocation, which would not be consistent with California housing element law requiring that each city and county develop local housing programs designed to meet its “fair share” of housing needs for all income groups, as determined by the jurisdiction’s council of governments, when preparing the state-mandated housing element of its general plan. This alternative would result in the City failing to adopt a Housing Element as required by state law. Therefore, Alternative 1 would result in greater impacts than the proposed project.

## 8. Population and Housing

The proposed project would result in less than significant impacts to population and housing. The increase in population associated with Alternative 1 would be lower, and the alternative would not result in the displacement of people or housing. Therefore, Alternative 1 would result in lesser population and housing impacts than the proposed project.

## 9. Public Services, Utilities, and Recreation

The proposed project would result in an increase in population and housing, which would increase the demand for public services, utilities, and recreation. However, the demand would not result in the need for construction of new or expanded facilities that would result in adverse effects on the environment. Alternative 1 would result in less population and housing, which would decrease the demand for public services, utilities, and recreation compared to the proposed project. Therefore, Alternative 1 would result in a lesser degree of impact to public services, utilities, and recreation.

## 10. Transportation and Circulation

Alternative 1 would result in less traffic impacts, due mainly to less trip-generating development. Less residential development would result in fewer trips generated on the roadway network. Therefore, Alternative 1 would have lesser transportation and circulation impacts than the proposed project.

**Findings:** Alternative 1, the No Project alternative, would result in lesser impacts. However, this alternative would not meet the project objectives because, under this alternative, the City would not be able to effectively demonstrate adequate housing resources to meet the

assigned Regional Housing Needs Allocation for all housing categories, but especially housing for very low-income and low-income housing. As such, it is rejected because it does not meet project objectives.

## 8.2 ALTERNATIVE 2 – REDUCED BUILDING FOOTPRINT

Alternative 2 was developed to determine whether rezoning target sites 1 through 13 to allow high-density residential land uses (R-4/HHDR) and reducing the area of intensified development would reduce impacts. This alternative would allow the development at a density of 30 dwelling units per acre and allow up to 80 percent of the site to be developed, which would allow a total of 1,548 dwelling units on 65 acres. Alternative 2 would reduce the area that would experience increased development density by approximately 83 acres (148 acres - 65 acres = 83 acres) and eliminate the need to add the Mixed Use overlay to target sites 14 through 21 and rezone target sites 22 through 25.

### 1. Air Quality

The air quality analysis for the proposed project determined that development of 1,678 residential units would exceed long-term operational standards, which would violate air quality standards, and allow for an increase in population growth that was not considered in the Air Quality Management Plan (AQMP), both of which would be inconsistent with the 2012 AQMP. In addition, if more than 210 units were under construction simultaneously, construction emissions could surpass thresholds and impact air quality. Alternative 2 would allow the development of approximately 130 fewer residential units than the proposed project and reduce the area of disturbance by 83 acres, which would reduce short- and long-term air quality emissions. However, it is likely that under Alternative 2 air quality emissions would still exceed thresholds and development under this alternative would still allow for an increase in population growth that was not considered in the AQMP. While Alternative 2 would result in a lesser degree of air quality impacts than the proposed project, it would continue to result in significant and unavoidable impacts.

### 2. Biological and Natural Resources

Alternative 2 would reduce the area of disturbance by 83 acres, which, when compared to the proposed project, would reduce the potential to result in adverse effects to special-status plant and animal species and to critical habitat, loss of habitat for raptors and migratory birds, as well as active nesting sites for burrowing owls, disturb or degrade sensitive habitat (including riparian/riverine habitat as defined in the MSHCP), and result in the loss of jurisdictional waters of the United States and waters of the State. Implementation of mitigation measures MM 3.2.1, MM 3.2.2, MM 3.2.3a and 3.2.3b, MM 3.2.4, MM 3.2.5, and MM 3.2.8 would reduce these impacts to a less than significant level. Therefore, Alternative 2 would result in a lesser degree of impact to biological resources than the proposed project. However, all mitigation measures for the proposed project would remain applicable to this alternative in order to ensure potential impacts to biological resources are reduced to a less than significant level.

### 3. Climate Change and Greenhouse Gases

The proposed project will generate greenhouse gas emissions that would further contribute to effects on the environment. However, the proposed project would be consistent with the goals of AB 32, and interim SCAQMD thresholds would not be surpassed and the emissions would not

be cumulatively considered. Alternative 2 would result in less construction activity and allow for 130 fewer residential units than the proposed project, which would generate less greenhouse gas emissions. Therefore, Alternative 2 would result in a lesser degree of impact to climate change and greenhouse gases than the proposed project.

#### 4. Cultural and Paleontological Resources

The proposed project could result in a substantial adverse change in the significance of an archaeological resource, undiscovered cultural resource, unique paleontological resource, or undiscovered human remains. Implementation of mitigation measures MM 3.4.2a through 3.4.2d, MM 3.4.3, and MM 3.4.4 would reduce these impacts to a less than significant level. Alternative 2 would result in land disturbance activities over 83 fewer acres, which would reduce the potential to affect archaeological resources, undiscovered cultural resources, unique paleontological resources, or undiscovered human remains. Therefore, Alternative 2 would result in a lesser degree of impact to cultural resources than the proposed project; however, mitigation measures would remain applicable to development allowed under this alternative.

#### 5. Geology, Soils, and Mineral Resources

The soil types in Wildomar are identified as being subject to strong seismic ground shaking and may be susceptible to seismic-related liquefaction or unstable soils. However, implementation of mitigation measure MM 3.5.1 would reduce these impacts to a less than significant level. In addition, the proposed project would potential adversely affect mineral resources. However, implementation of mitigation measure MM 3.5.9 would reduce this impact to a less than significant level by requiring a site-specific determination as to whether the project site would yield important or significant mineral resources. Alternative 2 would result in the disturbance of 83 fewer acres than the proposed project, which would reduce the potential for exposure to hazards associated with strong seismic ground shaking, seismic-related liquefaction, and unstable soils, as well as reducing the potential to adversely affect potential mineral resources. Therefore, Alternative 2 would result in a lesser degree of impact to geology, soils, and mineral resources than the proposed project; however, mitigation measures would remain applicable to any development allowed under this alternative.

#### 6. Hydrology and Water Quality

The proposed project may result in erosion and water quality degradation downstream, alter drainage patterns which would increase runoff rates and volumes, and place housing within a 100-year floodplain. Implementation of mitigation measures MM 3.6.1 and MM 3.6.4 would reduce these impacts to a less than significant level. Alternative 2 would result in less ground disturbance and development of 130 fewer residential units, which would reduce the potential for erosion and water quality degradation, the effects on existing drainage patterns and runoff, and the risk of exposure to flooding hazards. Therefore, Alternative 2 would result in a lesser degree of impact to hydrology and water quality than the proposed project; however, mitigation measures would remain applicable to any development allowed under this alternative.

#### 7. Land Use

The proposed project may conflict with the MSHCP; however, implementation of mitigation of measures MM 3.2.1 and MM 3.2.8 (from Section 3.2, Biological and Natural Resources) would reduce this impact to a less than significant level. Alternative 2 would reduce the area of disturbance by 83 acres, which would reduce the potential to conflict with the MSHCP.

Therefore, Alternative 2 would result in a lesser degree of land use impacts; however, mitigation measures would remain applicable to any development allowed under this alternative.

Under Alternative 2, sites 14 through 25 would continue to have inconsistent zoning and land use designations, while the proposed project would eliminate the zoning and land use designation inconsistencies on sites 1 through 25. Therefore, the proposed project would result in less conflict between the General Plan and zoning than Alternative 2.

#### 8. Population and Housing

The proposed project would result in less than significant impacts to population and housing. Alternative 2 would reduce the number of homes that may be built on the identified sites, and the associated increase in population would be less than with the proposed project. Neither the proposed project nor Alternative 2 would result in the displacement of people or housing. Therefore, Alternative 2 would result in lesser population and housing impacts than the proposed project.

#### 9. Public Services, Utilities, and Recreation

The proposed project would result in an increase in population and housing, which would increase the demand for public services, utilities, and recreation. However, the demand would not result in the need for construction of new or expanded facilities that would result in adverse effects on the environment. Alternative 2 would allow less residential development and concentrate development over a smaller area, which would decrease the demand for public services, utilities, and recreation compared to the proposed project. Therefore, Alternative 2 would result in a lesser degree of impact to public services, utilities, and recreation.

#### 10. Transportation and Circulation

The proposed project would result in less than significant impacts to transportation and circulation. Alternative 2 would allow fewer residential units, which would reduce the overall trip generation. Because sites 1 through 13 are spread fairly evenly throughout the city, this alternative would not concentrate a high volume of trips in one location. Therefore, Alternative 2 would have lesser transportation and circulation impacts than the proposed project.

**Findings:** Alternative 2, increase density for sites 1-13, would result in lesser environmental impacts for all environmental issue areas analyzed. This alternative would also meet all the project objectives. However, the City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that this alternative is less desirable than the proposed project. It is rejected because while density would increase for sites 1-13, this alternative would result in a more intense density than is realistic for the City. Although the City supports higher density development, the preferred method is to cover wider a wider, more realistic area, as the City has historically done.

### **9.0 LONG-TERM IMPLICATIONS**

CEQA Guidelines Section 15126.2(d) requires that an EIR evaluate the growth-inducing impacts of a proposed action. A growth-inducing impact is defined in CEQA Guidelines Section 15126.2(d) as follows:

*...the way in which a proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth...Increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Also...the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.*

The Draft EIR evaluated whether the proposed project will induce project-specific growth.

#### 9.1 GROWTH INDUCEMENT POTENTIAL

The City's 2013–2021 Housing Element is designed to address the projected housing needs of current and future city residents and to comply with state law requiring amendment of the Housing Element every eight years (Sections 65580–65589.8 of the California Government Code). The proposed 2013–2021 Housing Element is the City's policy document guiding the provision of housing to meet future needs for all economic segments of Wildomar, including housing affordable to lower-income households.

To demonstrate housing resources for the extremely low-income, very low-income, and low-income housing categories, HCD requires that the City provide enough vacant land to accommodate at least 1,400 units. Further, the vacant land must have a permitted use at a density of at least 30 dwellings/housing units per acre. Currently, the City of Wildomar does not have sufficient vacant land zoned to meet the need for 1,400 housing units in the extremely low-income, very low-income, and low-income categories. The purpose of the proposed project is to update the Housing Element and provide associated land use and Zoning Code revisions to accommodate the RHNA assignment. Based on an average household size of 3.3 residents per home (SCAG 2012), the additional 1,678 housing units would result in an increase in population of approximately 5,537. SCAGs household growth forecast is projected to result in an increase of 2,620 households for the 5<sup>th</sup> cycle RHNA, which would yield a population increase of 8,646 new residents (based on an average household size of 3.3 residents). As such, the proposed project could result in substantial population growth. However, the estimated increase in population generated by the project is well within and below the anticipated population increase projected by SCAG. As such, the proposed project would have no direct or indirect growth-inducing impacts.

**Findings:** The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will result in less than cumulatively considerable impacts related to growth inducement.

#### 9.2 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

Development of the project site would irretrievably commit building materials and energy to the construction and maintenance of the buildings and infrastructure proposed. Nonrenewable and limited resources that would likely be consumed as part of project site development would include, but are not limited to, oil, natural gas, gasoline, lumber, sand and gravel, asphalt, water, steel, and similar materials.

The use of materials for construction and operation of the proposed project would be similar to other development envisioned by the City's General Plan and does not represent an unusual use of resources.

**Findings:** The City finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project will result in less than cumulatively considerable impacts related to irreversible environmental changes.

## **10.0 FINDINGS ON CHANGES TO THE EIR AND RECIRCULATION**

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of a Draft EIR, but before certification. Such new information includes (i) significant changes to the project; (ii) significant changes in the environmental setting; or (iii) significant additional data or other information. Section 15088.5 further provides that “new information added to an EIR is not ‘significant’ unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.”

No new or substantial changes to the Draft EIR were proposed as a result of the public comment process. The Final EIR responds to comments and makes changes, clarifications, or additions to the Draft EIR in order to help clarify the project and its impacts in response to public or agency comments. The minor changes, clarifications, or additions to the Draft EIR do not identify any new significant impacts or substantial increase in the severity of any environmental impacts, and do not include any new mitigation measures that would have a potentially significant impact. Therefore, recirculation of the EIR is not required.

## **11.0 FINDINGS ON MITIGATION MONITORING AND REPORTING PROGRAM**

### INTRODUCTION

Pursuant to CEQA and CEQA Guidelines Sections 15091(d) and 15097, the lead agency (in the case of the proposed project, the City of Wildomar) for a proposed project must adopt a program for monitoring or reporting mitigation measures identified in the EIR, if the lead agency makes findings of significant impacts during the process of certifying the EIR. The primary purpose of the Mitigation Monitoring and Reporting Program (MMRP) is to ensure that the mitigation measures identified in the EIR are implemented, thereby reducing or avoiding identified environmental impacts. Due to the specialized nature of some of the mitigation measures identified in the EIR, the City may delegate responsibilities to environmental monitors or other professionals, as warranted.

### MITIGATION MONITORING AND REPORTING PROGRAM

The purpose of the MMRP is to ensure the effective implementation of the mitigation measures imposed by the City for the proposed project. In addition, the MMRP provides a means of identifying corrective actions, if necessary, before irreversible environmental damage occurs. The MMRP includes:

- A brief description of each impact expected to occur from the proposed project;
- Mitigation measure(s) associated with each impact;
- Responsible monitoring party;

- Responsible implementing party;
- Implementation phase (i.e., pre-construction, construction, prior to occupancy, post-occupancy); and
- Completion date and initials of reviewing party.

As the lead agency for the proposed project, the City will be required to comply with all applicable plans, permits, and conditions of approval for the proposed project, in addition to implementation of the MMRP. The mitigation measures presented in the MMRP will be implemented as indicated to avoid or minimize environmental impacts as a result of the proposed project.

The Draft EIR was released for public and agency review on August 15, 2013, with the 45-day review period ending on September 30, 2013. The Draft EIR contains a description of the project, description of the environmental setting, identification of project impacts, and mitigation measures for impacts found to be significant, as well as an analysis of project alternatives. The Draft EIR was provided to interested public agencies and the public and was made available for review on the City's website, at Wildomar City Hall, 23873 Clinton Keith Rd., Suite 201, Wildomar, CA 92595 and Wildomar Mission Trail Library, 34303 Mission Trail, Wildomar, CA 92595.

## **12.0 STATEMENT OF OVERRIDING CONSIDERATIONS**

The Draft EIR includes thresholds of significance that are used to establish normally acceptable standards for project impacts in the City of Wildomar. In many instances, the project meets the standards without the need for modification. In some cases, mitigation measures have been required that modify the project to reduce impacts to below the normally accepted thresholds. In six instances, impacts cannot be reduced to a level below the normally accepted thresholds. While there are many reasons why it might not be possible to reduce an impact to less than the threshold, the reasons are usually in two categories: the issue is much larger than the City of Wildomar's jurisdiction or capability to resolve; or there are no feasible mitigation measures or the measures that are identified cannot be guaranteed to reduce the impact to less than significant. When an impact is above the normally accepted threshold and cannot be mitigated, the impact is identified as significant and unavoidable in the Draft EIR. The CEQA Guidelines allow the City to approve a project with significant and unavoidable impacts provided specific findings are made.

As such, pursuant to CEQA Section 21081(b) and CEQA Guidelines Section 15093, the City of Wildomar has balanced the benefits of the proposed project against the following unavoidable adverse impacts relating to air quality, climate change and greenhouse gases, and transportation and circulation associated with the proposed project, despite the adoption of all feasible mitigation measures. The City of Wildomar has also examined alternatives to the proposed project, none of which meets both the project objectives and is preferable to the proposed project.

### **SIGNIFICANT AND UNAVOIDABLE IMPACTS**

The EIR identified the following significant impact that cannot be mitigated to a less than significant level even though the City of Wildomar finds that all feasible mitigation measures have been identified and incorporated into the proposed project.

### **Air Quality (Conflicts with AQMP)**

Based on the information and analysis set forth in the Draft EIR, the Final EIR, and the record of proceedings, implementation of the proposed project would result in a significant impact by violating Consistency Criterion No.1 and Criterion No. 2 of the 2012 AQMP, thus exceeding long-term operational standards. No mitigation measures are available to reduce impacts to less than significant levels. As such, this impact remains significant and unavoidable.

### **Air Quality (Short Term Construction Emissions)**

Based on the information and analysis set forth in the Draft EIR, the Final EIR, and the record of proceedings, implementation of the proposed project could result in construction emissions in excess of SCAQMD significance threshold levels, established by the district to determine the significance for short-term, construction-related emissions from a project. Thus, this impact is considered significant and unavoidable.

### **Air Quality (Long-Term Operational Emissions)**

Based on the information and analysis set forth in the Draft EIR, the Final EIR, and the record of proceedings, implementation of the proposed project would result in a significant impact by exceeding SCAQMD significance threshold levels. As such, this remains a significant and unavoidable impact.

### **Air Quality (Result in a Cumulatively Considerable Net Increase in Nonattainment Criteria)**

Based on the information and analysis set forth in the Draft EIR, the Final EIR, and the record of proceedings, implementation of the proposed project would result in a significant impact by exceeding the applicable SCAQMD daily thresholds that are designed to assist the region in attaining the applicable state and national ambient air quality standards. As such, cumulative impacts would be significant and unavoidable.

### **Transportation and Circulation (Substantial Increase in Traffic Volume)**

Based on the information and analysis set forth in the Draft EIR, the Final EIR, and the record of proceedings, implementation of the proposed project would result in a significant impact because there is no guarantee that there will be sufficient funding for any of the roadway improvements necessary to keep area roadways at an acceptable level of service. Although the proposed project would not result in a substantial increase in demand on the circulation system over what has been analyzed and will be mitigated for as part of implementation of the General Plan, including the number of vehicle trips, the volume-to-capacity ratio on roads, or the congestion at intersections, the potential lack of funding could drop other roadway segments to an unacceptable level of service. Therefore, impacts are considered significant and unavoidable.

### **Transportation and Circulation (Cumulative Substantial Increase in Traffic)**

Based on the information and analysis set forth in the Draft EIR, the Final EIR, and the record of proceedings, implementation of the proposed project would result in a significant impact because there is no guarantee that there will be sufficient funding for any of the roadway improvements necessary to keep area roadways at an acceptable level of service. Although the

proposed project would not result in a substantial increase in demand on the circulation system over what has been analyzed and will be mitigated for as part of implementation of the General Plan, including the number of vehicle trips, the volume-to-capacity ratio on roads, or the congestion at intersections, the potential lack of funding could drop other roadway segments to an unacceptable level of service. Therefore, impacts are considered significant and unavoidable.

### Findings

The City of Wildomar finds, based on the Draft EIR, the Final EIR, and the whole of the record, that the proposed project would result in a significant and unavoidable impact to air quality, climate change and greenhouse gases, and transportation and circulation despite implementation of all feasible mitigation. The City further finds that these unavoidable impacts are overridden by the project benefits as set forth in this Statement of Overriding Considerations.

### **Project Benefits**

The City of Wildomar has balanced the proposed project's benefits against the proposed project's significant and unavoidable impacts. The City of Wildomar finds that the proposed project's benefits outweigh the proposed project's significant and unavoidable impacts; those impacts therefore are considered acceptable in light of the proposed project's benefits. The City of Wildomar finds that each of the following benefits is an overriding consideration that warrants approval of the proposed project, notwithstanding the proposed project's significant and unavoidable impacts. The benefits of the proposed project include the following:

- Meet the City of Wildomar's statutory obligations to address the need for low-income housing.
- Maintain the existing housing stock to serve housing needs.
- Ensure capacity for the development of new housing to meet the RHNA at all income levels.
- Encourage housing development where supported by existing or planned infrastructure, while maintaining existing neighborhood character.
- Encourage, develop, and maintain programs and policies to meet projected affordable housing needs.
- Develop a vision for Wildomar that supports sustainable local, regional, and state housing and environmental goals.
- Provide new housing communities with substantial amenities to provide a high quality of life for residents.

### **Conclusion**

CEQA requires the City to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its significant and unavoidable environmental risks when determining whether to

approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable” and the proposed project approved. In this instance, the City of Wildomar needs to demonstrate adequate housing resources to meet the assigned Regional Housing Needs Allocation for all housing categories, but especially housing for very low-income and low-income housing. Ultimately, the implementation of the proposed project would result in the creation of new jobs, bringing economic growth to the City of Wildomar.

After balancing the specific economic, legal, social, technological, and other benefits of the proposed project, the City of Wildomar has determined that the identified significant and unavoidable impacts may be considered “acceptable” due to the specific considerations listed above that outweigh the significant and unavoidable impacts that would result from implementation of the proposed project. Accordingly, the City of Wildomar adopts the Statement of Overriding Considerations, recognizing that the significant and unavoidable noise impacts would result from implementation of the proposed project. Having (1) adopted all feasible mitigation measures, (2) rejected alternatives to the proposed project, and (3) recognized all unavoidable significant impacts, the City of Wildomar hereby finds that each of the separate benefits of the proposed project, as stated herein, is determined to be unto itself an overriding consideration, independent of other benefits, that warrants approval of the proposed project and outweighs and overrides its significant and unavoidable impacts, and thereby justifies the approval of the 2013-2021 Housing Element Update.

**EXHIBIT 4 - OF ATTACHMENT A**  
**Mitigation Monitoring and Reporting Program**

**2013-2021 HOUSING ELEMENT UPDATE  
MITIGATION MONITORING AND REPORTING PROGRAM**

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**1. INTRODUCTION**

This document is the Mitigation Monitoring and Reporting Program (MMRP) for the **2013–2021 Housing Element update**. This MMRP has been prepared pursuant to Section 21081.6 of the California Public Resources Code, which requires public agencies to “adopt a reporting and monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.” An MMRP is required for the proposed project because the EIR has identified significant adverse impacts, and measures have been identified to mitigate those impacts.

**2. MITIGATION MONITORING AND REPORTING PROGRAM**

As the lead agency, the City of Wildomar will be responsible for monitoring compliance with all mitigation measures. Different City departments are responsible for various aspects of the project. The MMRP identifies the department with the responsibility for ensuring the measure is completed; however, it is expected that one or more departments will coordinate efforts to ensure compliance.

The MMRP is presented in tabular form on the following pages. The components of the MMRP are described briefly below.

- **Mitigation Measure:** The mitigation measures are taken from the Environmental Impact Report (EIR), in the same order they appear in the EIR.
- **Timing:** Identifies at which stage of the project the mitigation must be completed.
- **Monitoring Responsibility:** Identifies the department within the City with responsibility for mitigation monitoring.
- **Verification (Date and Initials):** Provides a contact who reviewed the mitigation measure and the date the measure was determined complete.

As the project is of statewide, regional, or area-wide importance, any transportation information generated by this monitoring or reporting program will be submitted to the California Department of Transportation (Caltrans).

**Mitigation Monitoring and Reporting Program**

Mitigation Measure	Timing	Monitoring Responsibility	Verification (Date and Initials)
<b>3.1 Air Quality – None required</b>	N/A	N/A	
<b>3.2 Biological and Natural Resources</b>			
<b>MM 3.2.1</b> For the development of any of the subject sites associated with the proposed project, the project applicant(s) shall follow measures to preserve sensitive species and their critical habitats consistent with the requirements of the MSHCP.	At all times	City of Wildomar Planning Department	
<b>MM 3.2.2</b> For any potential development of any of the subject sites associated with the proposed project, the project applicant(s) shall conduct construction and clearing activities outside of the avian nesting season (January 15–August 31), where feasible. If clearing and/or construction activities occur during nesting season, preconstruction surveys for nesting raptors and migratory birds shall be conducted by a qualified biologist, no more than 14 days before initiation of clearing or construction activities. The qualified biologist shall survey the construction zone and a 250-foot radius surrounding the construction zone to determine if active nests are present. If the qualified biologist determines that nesting birds could be disturbed or harmed by the clearing or construction activities, the applicant shall minimize the potential impacts to nesting birds by establishing avoidance buffers around the active nests. The avoidance buffer shall be no less than: <ul style="list-style-type: none"> <li>• 250 feet for active nests of state of federally listed migratory birds and all raptors</li> <li>• 50 feet for active nests of all other bird species.</li> </ul> Avoidance within these buffers should be maintained throughout the nesting season until the young of the	The project applicant(s) shall incorporate requirements into all rough and/or precise grading plan documents for any development on any of the 25 sites identified for potential development. The project applicant's construction inspector shall monitor to ensure that measures are implemented during construction.	City of Wildomar Planning Department	

Mitigation Measure	Timing	Monitoring Responsibility	Verification (Date and Initials)
nests have fledged or the nest is abandoned.			
<p><b>MM 3.2.3a</b> Per MSHCP Species-Specific Objective 6, if any of the 25 project sites are within the Burrowing Owl Survey Area and suitable habitat is present, preconstruction presence/absence surveys for burrowing owl will be conducted for all covered activities through the life of the permit. Surveys will be conducted within 30 days prior to disturbance. Take of active nests will be avoided. Passive relocation (use of one-way doors and collapse of burrows) will occur when owls are present outside the nesting season.</p> <p>The breeding period for burrowing owls is February 1 through August 31, with the peak being April 15 to July 15, the recommended survey window. Winter surveys may be conducted between December 1 and January 31. If construction is delayed or suspended for more than 30 days after the survey, the area shall be resurveyed.</p> <p>Surveys shall be completed for occupied burrowing owl burrows in all construction areas and within 150 meters (500 feet) of the project work areas (where possible and appropriate based on habitat). All occupied burrows will be mapped on an aerial photo.</p>	Prior to any vegetation removal or ground-disturbing activities	City of Wildomar Planning Department	
<p><b>MM 3.2.3b</b> Based on the burrowing owl survey results, the City shall require the project applicant(s) associated with potential development on any of the 25 subject sites to take the following actions to offset impacts prior to ground disturbance if owls are found to be present:</p> <ul style="list-style-type: none"> <li>• If paired owls are nesting in areas scheduled for disturbance or degradation, nest(s) shall be avoided from February 1 through August 31 by a minimum of a 75-meter (250 feet) buffer or until fledging has occurred. Following fledging, owls may be passively relocated by a qualified biologist.</li> </ul>	Prior to any vegetation removal or ground-disturbing activities	City of Wildomar Planning Department	

Mitigation Measure	Timing	Monitoring Responsibility	Verification (Date and Initials)
<ul style="list-style-type: none"> <li>• If impacts on occupied burrows in the non-nesting period are unavoidable, on-site passive relocation techniques may be used if approved by the CDFW to encourage owls to move to alternative burrows outside of the impact area. However, no occupied burrows shall be disturbed during the nesting season unless a qualified biologist verifies through noninvasive methods that the burrow is no longer occupied. Foraging habitat for relocated pairs shall be provided in accordance with guidelines provided by the CDFW (2012).</li> <li>• If relocation of the owls is approved for the site by the CDFW, the City shall require the developer to hire a qualified biologist to prepare a plan for relocating the owls to a suitable site. The relocation plan must include all of the following: <ul style="list-style-type: none"> <li>○ The location of the nest and owls proposed for relocation.</li> <li>○ The location of the proposed relocation site.</li> <li>○ The number of owls involved and the time of year when the relocation is proposed to take place.</li> <li>○ The name and credentials of the biologist who will be retained to supervise the relocation.</li> <li>○ The proposed method of capture and transport for the owls to the new site.</li> <li>○ A description of site preparation at the relocation site (e.g., enhancement of existing burrows, creation of artificial burrows, one-time or long-term vegetation control).</li> <li>○ A description of efforts and funding support proposed to monitor the relocation.</li> </ul> </li> <li>• If paired owls are present within 50 meters (160 feet) of a temporary project disturbance (i.e., parking areas), active burrows shall be protected with fencing/cones/flagging and monitored by a</li> </ul>			

Mitigation Measure	Timing	Monitoring Responsibility	Verification (Date and Initials)
<p>qualified biologist throughout construction to identify losses from nest abandonment and/or loss of reproductive effort (e.g., killing of young).</p>			
<p><b>MM 3.2.4</b> As part of the 1602 Streambed Alteration Agreement from the CDFW, the project applicant(s) associated with the development on any of the subject sites associated with the proposed project shall prepare and implement a Vegetation Mitigation and Monitoring Plan for disturbed vegetation. Ratios for mitigation will be determined by the CDFW at a minimum of 1:1 to ensure no net loss of vegetation within CDFW jurisdiction.</p>	<p>Prior to project vegetation removal or ground-disturbing activities</p>	<p>City of Wildomar Planning Department</p>	
<p><b>MM 3.2.5</b> A formal jurisdictional delineation shall be conducted for areas that will be permanently or temporarily impacted by projects associated with potential development on any of the 25 subject sites. If waters of the United States and waters of the State cannot be avoided, the project applicant(s) associated with potential development on any of the 25 subject sites shall apply for a CWA Section 404 permit from the USACE, a Section 401 permit from the RWQCB, and a 1602 Streambed Alteration Agreement from the CDFW. These permits shall be obtained prior to issuance of grading permits and implementation of any proposed project.</p> <p>The project applicant(s) associated with site-specific development on the 25 subject sites shall ensure that the project will result in no net loss of waters of the United States and waters of the State by providing mitigation through impact avoidance, impact minimization, and/or compensatory mitigation for the impact, as determined in the CWA Section 404/401 permits and the 1602 Streambed Alteration Agreement.</p> <p>Compensatory mitigation may consist of (a) obtaining</p>	<p>Prior to any vegetation removal or ground-disturbing activities</p>	<p>City of Wildomar Planning Department and Public Works Department</p>	

Mitigation Measure	Timing	Monitoring Responsibility	Verification (Date and Initials)
<p>credits from a mitigation bank; (b) making a payment to an in-lieu fee program that will conduct wetland, stream, or other aquatic resource restoration, creation, enhancement, or preservation activities; these programs are generally administered by government agencies or nonprofit organizations that have established an agreement with the regulatory agencies to use in-lieu fee payments collected from permit applicants; and/or (c) providing compensatory mitigation through an aquatic resource restoration, establishment, enhancement, and/or preservation activity. This last type of compensatory mitigation may be provided at or adjacent the impact site (i.e., on-site mitigation) or at another location, usually within the same watershed as the permitted impact (i.e., off-site mitigation). The project proponent/permit applicant retains responsibility for the implementation and success of the mitigation project.</p> <p>Evidence of compliance with this mitigation measure shall be provided prior to construction and grading activities for the proposed project.</p>			
<p><b>MM 3.2.8</b> If riparian/riverine habitats covered under the MSHCP cannot be avoided, the project applicant(s) shall submit a Determination of Biological Equivalent or Superior Preservation (DBESP), as outlined in Section 4.2 of the MSHCP Permittee Implementation Guidance Manual, to the City for approval.</p> <p>For development on any of the subject sites associated with the proposed project, the project applicant(s) shall ensure that no net loss of riparian/riverine habitats will result by providing mitigation through impact avoidance, impact minimization, and/or compensatory mitigation for the impact, as determined in the DBESP. Mitigation accomplished under mitigation measure MM 3.2.4</p>	<p>Prior to any vegetation removal or ground-disturbing activities</p>	<p>City of Wildomar Planning Department and Public Works Department</p>	

Mitigation Measure	Timing	Monitoring Responsibility	Verification (Date and Initials)
may apply to meet the standards where appropriate.			
<b>3.3 Climate Change and Greenhouse Gases – None required</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>
<b>3.4 Cultural and Paleontological Resources</b>			
<b>MM 3.4.2a</b> Prior to beginning construction of any project contemplated in the Housing Element, the project applicant shall retain an archaeologist listed on the Riverside County qualified consultant list to monitor all ground-disturbing activities in an effort to identify any unknown archaeological resources. Any newly discovered cultural resource deposits shall be subject to a cultural resources evaluation in consultation with the Pechanga Tribe.	As a condition of project approval, and implemented during grading permit and during ground-disturbing activities	City of Wildomar Planning Department	
<b>MM 3.4.2b</b> At least 30 days prior to beginning construction of any project contemplated in the Housing Element, the project applicant shall contact the Pechanga Tribe to notify the Tribe of grading, excavation, and the monitoring program, and to coordinate with the City and the Tribe to develop a Cultural Resources Treatment and Monitoring Agreement. The agreement shall address the treatment of known cultural resources; the designation, responsibilities, and participation of professional Native American Tribal monitors during grading, excavation, and ground-disturbing activities; project grading and development scheduling; terms of compensation for the monitors; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on the site consistent with Public Resources Code Section 21083.2 and CEQA Guidelines Section 15064.5.	As a condition of project approval, and implemented during grading permit and during ground-disturbing activities	City of Wildomar Planning Department	
<b>MM 3.4.2c</b> Prior to beginning construction of any project contemplated in the Housing Element, the project	As a condition of project approval, and implemented	City of Wildomar	

Mitigation Measure	Timing	Monitoring Responsibility	Verification (Date and Initials)
<p>archaeologist shall file a pre-grading report with the City (if required grading is to be done) to document the proposed methodology for grading activity observation, which will be determined in consultation with the Pechanga Tribe. Said methodology shall include the requirement for a qualified archaeological monitor to be present and to have the authority to stop and redirect grading activities. In accordance with the agreement required in mitigation measure MM 3.4.2b, the archaeological monitor's authority to stop and redirect grading will be exercised in consultation with the Pechanga Tribe in order to evaluate the significance of any archaeological resources discovered on the property. Tribal and archaeological monitors shall be allowed to monitor all grading, excavation, and groundbreaking activities and shall also have the authority to stop and redirect grading activities.</p>	<p>during grading permit and during ground-disturbing activities</p>	<p>Planning Department</p>	
<p><b>MM 3.4.2d</b> If inadvertent discoveries of subsurface archaeological/cultural resources are discovered during the grading for any project contemplated in the Housing Element, the developer, the project archaeologist, and the Tribe shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. Pursuant to California Public Resources Code Section 21083.2(b), avoidance shall be the preferred method of preservation for archaeological resources, including but not limited to sacred sites.</p> <p>If the parties above cannot agree on the significance or the mitigation for such resources, these issues will be presented to the City of Wildomar Planning Director for decision. The Planning Director shall make the determination based on the provisions of the California Environmental Quality Act with respect to archaeological resources and shall take into account the religious beliefs, customs, and practices</p>	<p>As a condition of project approval, and implemented during grading permit and during ground-disturbing activities</p>	<p>City of Wildomar Planning Department</p>	

Mitigation Measure	Timing	Monitoring Responsibility	Verification (Date and Initials)
<p>of the Tribe. Notwithstanding any other rights available under the law, the decision of the Planning Director shall be appealable to the Planning Commission and/or the Planning Commission's decision shall be appealable to the City Council.</p> <p>The landowner shall relinquish ownership of all cultural resources, including sacred items, burial goods, and all archaeological artifacts that are found in the project area, to the Pechanga Tribe for proper treatment and disposition, which may include curation at the Pechanga Cultural Resources Curation Facility, which meets the standards required by 36 CFR Part 79.</p>			
<p><b>MM 3.4.3</b> Prior to issuance of a grading permit for a project contemplated in the Housing Element, the project applicant shall retain a qualified professional to assess the potential for presence of paleontological resources and the potential for project construction to affect such resources if present. If it is determined, to the satisfaction of the City, that there is low potential for discovery or disturbance of paleontological resources, no further action shall be required.</p> <p>If potential for discovery is deemed moderate to high, the project applicant shall retain a qualified paleontologist to monitor all initial ground-disturbing activities in native soils or sediments. If the paleontologist, upon observing initial earthwork, determines there is low potential for discovery, no further action shall be required and the paleontologist shall submit a memo to the City confirming findings of low potential.</p> <p>Should any paleontological resources (i.e., fossils) be uncovered during project construction activities, all work within a 100-foot radius of the discovery site shall be halted or diverted to other areas on the site and the City shall be immediately notified. A qualified</p>	<p>As a condition of project approval, and implemented during grading permit and during ground-disturbing activities</p>	<p>City of Wildomar Planning Department</p>	

Mitigation Measure	Timing	Monitoring Responsibility	Verification (Date and Initials)
<p>paleontologist shall evaluate the finds and recommend appropriate next steps to ensure that the resource is not substantially adversely impacted, including but not limited to avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. Further ground disturbance shall not resume within a 100-foot radius of the discovery site until an agreement has been reached between the project applicant, a qualified paleontologist, and the City as to the appropriate preservation or mitigation measures to ensure that the resource is not substantially adversely impacted.</p>			
<p><b>MM 3.4.4</b> If human remains are encountered, no further ground disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin as required by California Health and Safety Code Section 7050.5. Further, pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. The decision as to the treatment and disposition of the remains shall be made consistent with the procedures and standards contained in Health and Safety Code Section 5097.98 and CEQA Guidelines Section 15064.5(e) and the Treatment Agreement described in mitigation measure MM 3.4.2b.</p>	<p>As a condition of project approval, and implemented during grading permit and during ground-disturbing activities</p>	<p>City of Wildomar Planning Department</p>	
<p><b>3.5 Geology, Soils, and Mineral Resources</b></p>			
<p><b>MM 3.5.1</b> Prior to the issuance of building permits for development on the subject sites associated with the proposed project, the project applicant(s) shall submit design-level, site-specific geotechnical reports and building plans to the City of Wildomar for review and approval. The geotechnical report shall summarize the subsurface investigations performed, interpret the</p>	<p>Prior to the issuance of a building permit</p>	<p>City of Wildomar Planning Department</p>	

Mitigation Measure	Timing	Monitoring Responsibility	Verification (Date and Initials)
<p>existing geological conditions, establish the geotechnical design parameters for the various soils and rock strata encountered, provide geotechnical recommendations for design of the proposed foundations and/or geotechnical features, and identify existing conditions that may influence construction. The investigation shall include fieldwork, such as trench excavations and/or borings, geologic mapping, soils samples, laboratory analysis, and a thorough evaluation of all encountered geotechnical hazards. Additionally, for sites 13, 20, 22, and 24 (APNs 367050068, 367050064, 380220002, and 380270013, respectively) the report shall define and delineate any hazard of surface fault rupture and shall be prepared in accordance with the requirements of the Alquist-Priolo Earthquake Fault Zoning Act (per Chapter 15.76 of the City of Wildomar Municipal Code). The recommendations in the report shall ensure that the project is built to standards outlined in the California Building Code. The project applicant(s) shall incorporate the recommendations of the approved project-level geotechnical study into project plans. The project's building plans shall demonstrate that they incorporate all applicable recommendations of the design-level geotechnical study and comply with all applicable requirements of the latest adopted version of the CBC. A licensed professional engineer shall prepare the plans, including those that pertain to soil engineering, structural foundations, pipeline excavation, and installation. All on-site soil engineering activities shall be conducted under the supervision of a licensed geotechnical engineer or certified engineering geologist.</p>			
<p><b>MM 3.5.9</b> Pursuant to the Public Resources Code, the Surface Mining and Reclamation Act, Chapter 9, Article 4, Section 2762(e), prior to the issuance of grading permit on lands classified by the State Geologist as</p>	<p>Prior to the issuance of a building permit</p>	<p>City of Wildomar Planning Department</p>	

Mitigation Measure	Timing	Monitoring Responsibility	Verification (Date and Initials)
<p>MRZ-3 (as described in paragraph (3) of subdivision (b) of Section 2761), the County Geologist shall make a site-specific determination as to the site's potential to contain or yield important or significant mineral resources of value to the region and the residents of the State of California.</p> <ul style="list-style-type: none"> <li>• If it is determined by the County Geologist that lands classified as MRZ-3 have the potential to yield significant mineral resources which may be of "regional or statewide significance" and the proposed use is considered "incompatible" (as defined by Section 3675 of Title 14, Article 6, of the California Code of Regulations) and could threaten the potential to extract said minerals, the project applicant(s) shall prepare an evaluation of the area in order to ascertain the significance of the mineral deposit located therein. This site-specific mineral resources study shall be performed to, at a minimum, document the site's known or inferred geological conditions; describe the existing levels of development on or near the site which might preclude mining as a viable adjacent use; and analyze the state standards for designating land as having "regional or statewide significance" under the Surface Mining and Reclamation Act. The results of such evaluation shall be transmitted to the State Geologist and the State Mining and Geological Board (SMGB).</li> <li>• Should significant mineral resources be identified, the project applicant(s) shall either avoid said resource or shall incorporate appropriate identified resources subject to a site-specific discretionary review and CEQA process.</li> </ul>			
<b>3.6 Hydrology and Water Quality</b>			
<b>MM 3.6.1</b> Prior to the approval of the grading permit for future development on each of the project sites, the project	Prior to the issuance of a	City of Wildomar	

Mitigation Measure	Timing	Monitoring Responsibility	Verification (Date and Initials)
<p>applicant(s) shall be required to prepare a stormwater pollution and prevention plan (SWPPP) consistent with the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2010-0014-DWQ), which is to be administered through all phases of grading and project construction. The SWPPP shall incorporate best management practices (BMPs) to ensure that potential water quality impacts during construction phases are less than significant. The SWPPP shall be submitted to the Regional Water Quality Control Board and to the City of Wildomar for review. A copy of the SWPPP must be kept accessible on the project site at all times. In addition, the project applicant(s) will be required to submit, and obtain City approval of, a Water Quality Management Plan (WQMP) prior to the issuance of the grading permit for future development on the project site in order compliance with the Area-wide Urban Runoff Management Program. The project shall implement site design BMPs, source control BMPs, and treatment control BMPs as identified in the Water Quality Management Plan. Site design BMPs shall include, but are not limited to, landscape buffer areas, on-site ponding areas, roof and paved area runoff directed to vegetated areas, and vegetated swales. Source control BMPs shall include, but are not limited to, education, landscape maintenance, litter control, parking lot sweeping, irrigation design to prevent overspray, and covered trash storage. Treatment control BMPs shall include vegetated swales and a detention basin, or an infiltration device. The project will be responsible for maintenance of the basins.</p>	grading permit	Engineering Department	
<p><b>MM 3.6.4</b> Prior to the approval of grading permits for potential future development on sites 2, 3, 5, 7, 11, 14, and 19, the City of Wildomar shall require that flood control measures be implemented to protect any structures</p>	Prior to the issuance of a grading permit	City of Wildomar Planning Department	

Mitigation Measure	Timing	Monitoring Responsibility	Verification (Date and Initials)
<p>from flooding that would be located with the 100-year mapped floodplain areas (Zone AE). This will include gaining concurrence from FEMA that proposed development on MUPA sites 2, 3, 5, 7, 11, 14, and 19 meets all development standards for development in floodplains.</p>			

<b>3.7 Land Use and Planning</b>			
Implementation of mitigation measures MM 3.2.1 and MM 3.2.8, as discussed in Section 3.2, Biological Resources.	At all times (MM 3.2.1) and prior to any vegetation removal or ground-disturbing activities (MM 3.2.8)	City of Wildomar Planning Department and Public Works Department	
<b>3.8 Population and Housing – None required</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>
<b>3.9 Public Services, Utilities, and Recreation – None required</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>
<b>3.10 Transportation and Circulation – None required</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>

# **ATTACHMENT B**

**PC Resolution No. 13-24  
General Plan Amendment No. 13-02**

**PC RESOLUTION NO. 13-24**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA RECOMMENDING CITY COUNCIL APPROVAL OF GENERAL PLAN AMENDMENT NO. 13-02) TO: 1) ADOPT THE 2013–2021 HOUSING ELEMENT UPDATE; 2) CHANGE THE EXISTING LAND USE DESIGNATION FROM MEDIUM HIGH DENSITY RESIDENTIAL (MHDR) TO HIGHEST DENSITY RESIDENTIAL (HHDR) FOR THREE (3) PARCELS (APN’S: 380-220-002; 370-040-009; & 380-270-013); 3) CHANGE THE EXISTING LAND USE DESIGNATION FROM BUSINESS PARK (BP) TO HIGHEST DENSITY RESIDENTIAL (HHDR) FOR ONE (1) PARCEL (APN: 380-250-003); AND 4) A CHANGE TO TABLE LU-4 OF THE GENERAL PLAN LAND USE ELEMENT (PAGE LU-42) TO ESTABLISH A MINIMUM DENSITY OF AT LEAST 30 UNITS/ACRE AND A MINIMUM SITE DEVELOPMENT SIZE OF 30% OF SITE FOR MULTI-FAMILY PROJECTS FOR ANY PROPERTY WITH THE MUPA LAND USE DESIGNATION**

**WHEREAS**, the Planning Department has processed the 2013-2021 Housing Element Update project consisting of the following General Plan Amendment:

General Plan Amendment (GPA) No. 13-02: GPA No. 13-02 consist of the following:

- 1) Adoption of the 2013–2021 Housing Element Update;
- 2) A change in the existing land use designation from Medium High Density Residential (MHDR) to Highest Density Residential (HHDR) for three (3) parcels (APN’s: 380-220-002; 370-040-009; & 380-270-013);
- 3) A change in the existing land use designation from BP to HHDR for one (1) parcel (APN: 380-250-003);
- 4) A change to Table LU-4 of the General Plan Land Use Element (Page LU-42) to establish a minimum density of at least 30 units/acre and a minimum site development size of 30% of site for multi-family uses for any property with the MUPA land use designation; and

**WHEREAS**, the Planning Commission of the City of Wildomar, California, has the authority and has reviewed the proposed Housing Element Update project and General Plan Amendment No. 13-02 as proposed in accordance with the California Government Code, Sections 65358, Section 65453, and 65853 and the City of Wildomar Municipal Code, Title 17; and

**WHEREAS**, the proposed Housing Element Update 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 Housing Element Update 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 § 21082.2(d); and,

**WHEREAS**, the City circulated a Notice of Preparation (NOP) of the Draft EIR beginning May 2, 2013 and concluding on June 3, 2013; and

**WHEREAS**, the City conducted a public scoping meeting concerning the proposed project on May 20, 2013; and

**WHEREAS**, upon completion of the Draft EIR, the City provided Notice of Completion (NOC) to the State Office of Planning and Research on August 15, 2013, as required under CEQA Guidelines § 15085; and

**WHEREAS**, on August 15, 2013, the City published Notice of Availability in “The Press Enterprise” (a local newspaper of general circulation), and gave notice to the Riverside County Clerk, and all interested parties requesting said notice regarding the preparation and review of a draft environmental impact report (SCH# 2013051001) for the proposed Housing Element Update project, and was posted in two places for review at 1) Wildomar City Hall, 2) Wildomar Mission Trail Library, and on the City of Wildomar website; and

**WHEREAS**, the Draft EIR was circulated to the public, responsible agencies and other interested parties as required by CEQA Guidelines § 15087 for a period of 45 days commencing on August 15, 2013 and concluding on September 30, 2013 in accordance with CEQA Guidelines § 15105(a); and

**WHEREAS**, before the close of the public comment period the City received four (4) comments (one comment letter was a duplicate) on the Draft EIR; and

**WHEREAS**, the Draft EIR consists of the following documents included as Exhibits to PC Resolution No. 13-23: Exhibit 1: Draft Environmental Impact Report (State Clearinghouse Number 2013051001); Exhibit 2: Final Environmental Impact Report; Exhibit 3: Draft Environmental Impact Report Findings of Fact; and Exhibit 4: Mitigation Monitoring and Reporting Program; and

**WHEREAS**, the EIR, as authorized under CEQA Guidelines § 15150, incorporates by reference the City of Wildomar General Plan, Zoning Ordinance, and the Final EIR prepared for the project; and

**WHEREAS**, in accordance with Government Code Sections 65353, 65355 and 65090, the City of Wildomar Planning Department, on October 23, 2013, mailed a public hearing notice to all property owners affected by the proposed Housing Element Update and land use/zone change amendments notifying said property owners of the date and time of the public hearing for General Plan Amendment No. 13-02 that would be considered by the City of Wildomar Planning Commission; and

**WHEREAS**, in accordance with Government Code Sections 65353, 65355 and 65090 the City of Wildomar Planning Department, on October 25, 2013, published a legal notice in “The Press Enterprise,” a local newspaper of general circulation, in compliance with State law notifying the public of the holding of a public hearing for General Plan Amendment No. 13-02 that would be considered by the City of Wildomar Planning Commission; and

**WHEREAS**, in accordance with Government Code Section 65353, the City of Wildomar Planning Commission conducted the duly noticed public hearing on November 6, 2013, at which time interested persons had an opportunity to testify in support of, or opposition to the proposed General Plan Amendment No. 13-02 and at which time the Planning Commission received public testimony concerning General Plan Amendment No. 13-02.

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

**SECTION 1. CEQA:**

The approval of General Plan Amendment No. 13-02 is in compliance with requirements of the California Environmental Quality Act ("CEQA"), in that on November 6, 2013, at a duly noticed public hearing, the Planning Commission recommended approval and certification of an Environmental Impact Report 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. GENERAL PLAN AMENDMENT FINDINGS:**

Pursuant to Government Code Section 65350 – 65362, and Section of the 17.08 of the Zoning Ordinance, the Planning Commission recommends that the City Council make the following findings pertaining to General Plan Amendment No. 13-02 (Housing Element Update project):

- B. The proposed general plan amendment does not involve a change in or conflict with the City of Wildomar Vision; any planning principles set forth in General Plan (Appendix B); or any foundation component designation in the General Plan.

Adoption of the 2013-2021 Housing Element, the proposed land use amendments from Medium High Density Residential (MHDR) to Highest Density Residential (HHDR) for three (3) parcels (APN's: 380-220-002; 370-040-009; & 380-270-013), and from BP to HHDR for one (1) parcel (APN: 380-250-003); and the amendment to Table LU-4 do not result in a change in or conflict with the City of Wildomar Vision in that adoption of the housing element and land use changes further the goals of the General Plan Vision requiring housing opportunities for all residents of the City regardless of economic or income status. Further, adoption of the Housing Element and the proposed land use amendments will not change any foundation component designation as the proposed changes fall within the "Community Development" Foundation category.

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

Adoption of the 2013-2021 Housing Element and the proposed land use amendments from Medium High Density Residential (MHDR) to Highest Density Residential (HHDR) for three (3) parcels (APN's: 380-220-002; 370-040-009; & 380-270-013), and from BP to HHDR for one (1) parcel (APN: 380-250-003); and the amendment to Table LU-4 contribute to the purpose of the General Plan in that implementation of the land use

amendments, and housing element goals, polices and programs will create housing opportunities for all residents of the City regardless of economic or income status. Further, the amendments comply with requirements of state law related to housing within the City of Wildomar, and will not be detrimental.

- C. The proposed general plan amendment is required to comply with an update to the Housing Element or change in state housing element law.

Adoption of the 2013-2021 Housing Element and the proposed land use amendments from Medium High Density Residential (MHDR) to Highest Density Residential (HHDR) for three (3) parcels (APN's: 380-220-002; 370-040-009; & 380-270-013), and from BP to HHDR for one (1) parcel (APN: 380-250-003); and the amendment to Table LU-4 are a direct result of the state mandate requiring an update to the City's Housing Element and changes required therein.

**SECTION 3. PLANNING COMMISSION ACTION:**

The Planning Commission hereby adopts PC Resolution No. 13-24 recommending City Council approval of General Plan Amendment No. 13-02 consisting of the following:

- 1) Adoption of the 2013–2021 Housing Element Update;
- 2) A change in the existing land use designation from Medium High Density Residential (MHDR) to Highest Density Residential (HHDR) for three (3) parcels known as APN's: 380-220-002; 370-040-009; & 380-270-013; and
- 3) A change in the existing land use designation from BP to HHDR for one (1) parcel (APN: 380-250-003) totaling 10 acres.
- 4) A change to Table LU-4 of the General Plan Land Use Element (Page LU-42) to establish a minimum density of at least 30 units/acre and a minimum site development size of 30% of site for multi-family uses for any property with the MUPA land use designation;

**PASSED, APPROVED AND ADOPTED** this 6th day of November 2013, by the following vote:

AYES.

NOES:

ABSENT:

ABSTAINED:

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Stan Smith  
Planning Commission Chairman

**ATTEST:**

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Matthew C. Bassi  
Planning Director/Minutes Secretary

**APPROVED AS TO FORM:**

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Erica L. Vega, Assistant City Attorney

## **ATTACHMENT C**

**PC Resolution No. 13-25  
Change of Zone No. 13-02**

**PC RESOLUTION NO. 13-25**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA RECOMMENDING CITY COUNCIL APPROVAL OF CHANGE OF ZONE NO. 13-02 FOR THE ADOPTION OF AN IMPLEMENTING MIXED USE (MU) OVERLAY ZONE FOR 21 PARCELS WITH THE EXISTING LAND USE DESIGNATION OF MIXED USE PLANNING AREA (MUPA) FOR APN'S: 376-190-001; 380-160-005; 380-160-009; 376-410-021; 380-160-006; 362-250-027; 380-160-004; 376-410-017; 362-250-001; 376-190-002; 380-160-007; 376-180-006; 367-050-068; 380-160-003; 367-180-015; 367-180-043; 376-410-016; 362-250-029; 380-160-008; 367-050-064; 376-410-015**

**WHEREAS**, the Planning Department is proposing a Change of Zone as part of the 2013-2021 Housing Element Update project described as follows:

- 1) Change of Zone No. 13-02: Adoption of an implementing Mixed Use (MU) overlay zone district for 21 parcels with an existing land use designation of Mixed Use Planning Area (MUPA) for properties known as APN's: 376-190-001; 380-160-005; 380-160-009; 376-410-021; 380-160-006; 362-250-027; 380-160-004; 376-410-017; 362-250-001; 376-190-002; 380-160-007; 376-180-006; 367-050-068; 380-160-003; 367-180-015; 367-180-043; 376-410-016; 362-250-029; 380-160-008; 367-050-064; 376-410-015.

**WHEREAS**, the Planning Commission of the City of Wildomar, California, has the authority and has reviewed the proposed Change of Zone in accordance with the California Government Code, Sections 65853 - 65857 and the City of Wildomar Municipal Code, Title 17; and

**WHEREAS**, the proposed Change of Zone 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 Change of Zone 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 § 21082.2(d); and,

**WHEREAS**, the City circulated a Notice of Preparation (NOP) of the Draft EIR beginning May 2, 2013 and concluding on June 3, 2013; and

**WHEREAS**, the City conducted a public scoping meeting concerning the proposed project on May 20, 2013; and

**WHEREAS**, upon completion of the Draft EIR, the City provided Notice of Completion (NOC) to the State Office of Planning and Research on August 15, 2013, as required under CEQA Guidelines § 15085; and

**WHEREAS**, on August 15, 2013, the City published Notice of Availability in "The Press Enterprise" (a local newspaper of general circulation), and gave notice to the Riverside County Clerk, and all interested parties requesting said notice regarding the preparation and review of a

draft environmental impact report (SCH# 2013051001) for the proposed Housing Element Update project, and was posted in two places for review at 1) Wildomar City Hall, 2) Wildomar Mission Trail Library, and on the City of Wildomar website; and

**WHEREAS**, the Draft EIR was circulated to the public, responsible agencies and other interested parties as required by CEQA Guidelines § 15087 for a period of 45 days commencing on August 15, 2013 and concluding on September 30, 2013 in accordance with CEQA Guidelines § 15105(a); and

**WHEREAS**, before the close of the public comment period the City received four (4) comments (one comment letter was a duplicate) on the Draft EIR; and

**WHEREAS**, the Draft EIR consists of the following documents included as Exhibits to PC Resolution No. 13-23: Exhibit 1: Draft Environmental Impact Report (State Clearinghouse Number 2013051001); Exhibit 2: Final Environmental Impact Report; Exhibit 3: Draft Environmental Impact Report Findings of Fact; and Exhibit 4: Mitigation Monitoring and Reporting Program; and

**WHEREAS**, the EIR, as authorized under CEQA Guidelines § 15150, incorporates by reference the City of Wildomar General Plan, Zoning Ordinance, and the Final EIR prepared for the project; and

**WHEREAS**, in accordance with Government Code Sections 65090, 65091, 65092 and 65853 – 65857, the City of Wildomar Planning Department, on October 23, 2013, mailed a public hearing notice to all property owners affected by the Change of Zone notifying said property owners of the date and time of the public hearing for Change of Zone 13-02 that would be considered by the City of Wildomar Planning Commission; and

**WHEREAS**, in accordance with Government Code Sections 65090, 65091, 65092 and 65853 – 65857, the City of Wildomar Planning Department, on October 25, 2013, published a legal notice in “The Press Enterprise,” a local newspaper of general circulation, in compliance with State law notifying the public of the holding of a public hearing for Change of Zone 13-02 that would be considered by the City of Wildomar Planning Commission; and

**WHEREAS**, in accordance with Government Code Section 65090, 65091, 65092 and 65853 – 65857, the City of Wildomar Planning Commission conducted the duly noticed public hearing on November 6, 2013, at which time 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. 13-02.

**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. 13-02 is in compliance with requirements of the California Environmental Quality Act (“CEQA”), in that on November 6, 2013, at a duly noticed public hearing, the Planning Commission recommended approval and certification of an Environmental Impact Report 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. ZONE CHANGE FINDING:**

In accordance with the State of California, Government Code Section 65853 – 65857 and Section 17.280 of the Wildomar Zoning Ordinance, the Planning Commission hereby recommends the City Council make the following finding for the proposed Change of Zone No. 13-02.

- A. The proposed change of zone is in conformance with the adopted General Plan for the City of Wildomar.

The adoption of an implementing Mixed Use (MU) overlay zone district for 21 parcels with an existing land use designation of Mixed Use Planning Area (MUPA) for properties (known as APN's: 376-190-001; 380-160-005; 380-160-009; 376-410-021; 380-160-006; 362-250-027; 380-160-004; 376-410-017; 362-250-001; 376-190-002; 380-160-007; 376-180-006; 367-050-068; 380-160-003; 367-180-015; 367-180-043; 376-410-016; 362-250-029; 380-160-008; 367-050-064; 376-410-015) is consistent with the General Plan in that the overlay zone is provided for in the land use element, and implements the policies and programs of the 2013-2021 Housing Element Update project. Further, the overlay zone will establish a minimum density of 30 units per acre and a minimum development area of 30% for each parcel to accommodate multi-family development in accordance with state law and the 2013-2021 Housing Element Update project. The overlay zone district for each parcel will also, in accordance with the General Plan, allow each property owner the ability to develop the property under the MU overlay zone regulations or the underlying zoning as outlined on the City's adopted General Plan.

**SECTION 3. PLANNING COMMISSION ACTION:**

The Planning Commission hereby adopts PC Resolution No. 13-25 recommending City Council adoption of an Ordinance (Exhibit 1 attached hereto to this Resolution) approving Change of Zone No. 13-02 consisting of the adoption of an implementing Mixed Use (MU) overlay zone district for 21 parcels with an existing land use designation of Mixed Use Planning Area (MUPA) for properties known as APN's: 376-190-001; 380-160-005; 380-160-009; 376-410-021; 380-160-006; 362-250-027; 380-160-004; 376-410-017; 362-250-001; 376-190-002; 380-160-007; 376-180-006; 367-050-068; 380-160-003; 367-180-015; 367-180-043; 376-410-016; 362-250-029; 380-160-008; 367-050-064; 376-410-015. of the 2013–2021 Housing Element Update.

**PASSED, APPROVED AND ADOPTED** this 6th day of November 2013, by the following vote:

AYES.

NOES:

ABSENT:

ABSTAINED:

---

Stan Smith  
Planning Commission Chairman

**ATTEST:**

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Matthew C. Bassi  
Planning Director/Minutes Secretary

**APPROVED AS TO FORM:**

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Erica L. Vega, Assistant City Attorney

**EXHIBIT 1 – of ATTACHMENT C**

**Draft City Council Ordinance**

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, APPROVING CHANGE OF ZONE NO. 13-02 FOR THE ADOPTION OF AN IMPLEMENTING MIXED USE (MU) OVERLAY ZONE FOR 21 PARCELS WITH THE EXISTING LAND USE DESIGNATION OF MIXED USE PLANNING AREA (MUPA) FOR APN'S: 376-190-001; 380-160-005; 380-160-009; 376-410-021; 380-160-006; 362-250-027; 380-160-004; 376-410-017; 362-250-001; 376-190-002; 380-160-007; 376-180-006; 367-050-068; 380-160-003; 367-180-015; 367-180-043; 376-410-016; 362-250-029; 380-160-008; 367-050-064; 376-410-015**

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

**SECTION 1. CEQA.**

The approval of Change of Zone No. 13-02 is in compliance with requirements of the California Environmental Quality Act ("CEQA"), in that on December 11, 2013, at a duly noticed public hearing, the City Council approved and certified an Environmental Impact Report 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. CHANGE OF ZONE FINDINGS.**

In accordance with the State of California, Government Code Section 65853 – 65857 and Section 17.280 of the Wildomar Zoning Ordinance, the Planning Commission hereby recommends the City Council make the following finding for the proposed Change of Zone No. 13-02.

- A. The proposed change of zone is in conformance with the adopted General Plan for the City of Wildomar.

The adoption of an implementing Mixed Use (MU) overlay zone district for 21 parcels with an existing land use designation of Mixed Use Planning Area (MUPA) for properties (known as APN's: 376-190-001; 380-160-005; 380-160-009; 376-410-021; 380-160-006; 362-250-027; 380-160-004; 376-410-017; 362-250-001; 376-190-002; 380-160-007; 376-180-006; 367-050-068; 380-160-003; 367-180-015; 367-180-043; 376-410-016; 362-250-029; 380-160-008; 367-050-064; 376-410-015) is consistent with the General Plan in that the overlay zone is provided for in the land use element, and implements the policies and programs of the 2013-2021 Housing Element Update project. Further, the overlay zone will establish a minimum density of 30 units per acre and a minimum development area of 30% for each parcel to accommodate multi-family development in accordance with state law and the 2013-2021 Housing Element Update project. The overlay zone district for each parcel will also, in accordance with the General Plan, allow each property owner the ability to develop the property under the MU overlay zone regulations or the underlying zoning as outlined on the City's adopted General Plan.

**SECTION 3: AMENDMENT TO ZONING MAP**

The City Council, based on the findings above, hereby amends the Zoning Map to establish a mixed overlay zone for 21 parcels with an existing General Plan land use designation of Mixed Use Planning Area (MUPA) for the properties known as APN's: 376-190-001; 380-160-005; 380-160-009; 376-410-021; 380-160-006; 362-250-027; 380-160-004; 376-410-017; 362-250-001; 376-190-002; 380-160-007; 376-180-006; 367-050-068; 380-160-003; 367-180-015; 367-180-043; 376-410-016; 362-250-029; 380-160-008; 367-050-064; 376-410-015.

**SECTION 4. EFFECTIVE DATE OF ORDINANCE.**

This Ordinance shall take effect and be in full force and operation thirty (30) days after its second reading and adoption.

**SECTION 5. 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 6. 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 11th day of December, 2013.

\_\_\_\_\_  
Timothy Walker  
Mayor

**APPROVED AS TO FORM:**

**ATTEST:**

\_\_\_\_\_  
Thomas D. Jex  
City Attorney

\_\_\_\_\_  
Debbie A. Lee, CMC  
City Clerk

STATE OF CALIFORNIA            )  
COUNTY OF RIVERSIDE        )  
  
CITY OF WILDOMAR            )

I, Debbie Lee, City Clerk of the City of Wildomar, do hereby certify that the foregoing Ordinance No. \_\_\_ was duly adopted by the City Council of the City of Wildomar at a regular meeting, held on the 11th day of December, 2013, by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

Debbie Lee, City Clerk

## **ATTACHMENT D**

**PC Resolution No. 13-26  
Change of Zone No. 13-03**

**PC RESOLUTION NO. 13-26**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA RECOMMENDING CITY COUNCIL APPROVAL OF CHANGE OF ZONE NO. 13-03 TO CHANGE THE EXISTING ZONING DESIGNATION FROM R-R (RURAL RESIDENTIAL ZONE) TO R-4 (PLANNED RESIDENTIAL ZONE) FOR FOUR (4) PARCELS (APN'S: 380-220-002; 370-040-009; 380-270-013 & 380-250-003)**

**WHEREAS**, the Planning Department has processed the 2013-2021 Housing Element Update project consisting of the following actions/application:

- 1) Change of Zone No. 13-03: A proposal to change the existing zoning designation from R-R (Rural Residential Zone) to R-4 (Planned Residential Zone) for four (4) parcels known as APN's: 380-220-002; 370-040-009; 380-270-013 & 380-250-003.

**WHEREAS**, the Planning Commission of the City of Wildomar, California, has the authority and has reviewed the proposed Change of Zone in accordance with the California Government Code, Sections 65853 - 65857 and the City of Wildomar Municipal Code, Title 17; and

**WHEREAS**, the proposed Change of Zone 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 Change of Zone 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 § 21082.2(d); and,

**WHEREAS**, the City circulated a Notice of Preparation (NOP) of the Draft EIR beginning May 2, 2013 and concluding on June 3, 2013; and

**WHEREAS**, the City conducted a public scoping meeting concerning the proposed project on May 20, 2013; and

**WHEREAS**, upon completion of the Draft EIR, the City provided Notice of Completion (NOC) to the State Office of Planning and Research on August 15, 2013, as required under CEQA Guidelines § 15085; and

**WHEREAS**, on August 15, 2013, the City published Notice of Availability in "The Press Enterprise" (a local newspaper of general circulation), and gave notice to the Riverside County Clerk, and all interested parties requesting said notice regarding the preparation and review of a draft environmental impact report (SCH# 2013051001) for the proposed Housing Element Update project, and was posted in two places for review at 1) Wildomar City Hall, 2) Wildomar Mission Trail Library, and on the City of Wildomar website; and

**WHEREAS**, the Draft EIR was circulated to the public, responsible agencies and other interested parties as required by CEQA Guidelines § 15087 for a period of 45 days commencing

on August 15, 2013 and concluding on September 30, 2013 in accordance with CEQA Guidelines § 15105(a); and

**WHEREAS**, before the close of the public comment period the City received four (4) comments (one comment letter was a duplicate) on the Draft EIR; and

**WHEREAS**, the Draft EIR consists of the following documents included as Exhibits to PC Resolution No. 13-23: Draft Environmental Impact Report (State Clearinghouse Number 2013051001); Exhibit 2: Final Environmental Impact Report; Exhibit 3: Draft Environmental Impact Report Findings of Fact; and Exhibit 4: Mitigation Monitoring and Reporting Program; and

**WHEREAS**, the EIR, as authorized under CEQA Guidelines § 15150, incorporates by reference the City of Wildomar General Plan, Zoning Ordinance, and the Final EIR prepared for the project; and

**WHEREAS**, in accordance with Government Code Sections 65090, 65091, 65092 and 65853 – 65857, the City of Wildomar Planning Department, on October 23, 2013, mailed a public hearing notice to all property owners affected by the Change of Zone notifying said property owners of the date and time of the public hearing for Change of Zone 13-02 that would be considered by the City of Wildomar Planning Commission; and

**WHEREAS**, in accordance with Government Code Sections 65090, 65091, 65092 and 65853 – 65857, the City of Wildomar Planning Department, on October 25, 2013, published a legal notice in “The Press Enterprise,” a local newspaper of general circulation, in compliance with State law notifying the public of the holding of a public hearing for Change of Zone 13-02 that would be considered by the City of Wildomar Planning Commission; and

**WHEREAS**, in accordance with Government Code Section 65090, 65091, 65092 and 65853 – 65857, the City of Wildomar Planning Commission conducted the duly noticed public hearing on November 6, 2013, at which time 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. 13-02.

**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. 13-03 is in compliance with requirements of the California Environmental Quality Act (“CEQA”), in that on November 6, 2013, at a duly noticed public hearing, the Planning Commission recommended approval and certification of an Environmental Impact Report 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. ZONE CHANGE FINDINGS:**

In accordance with the State of California, Government Code Section 65853 – 65857 and Section 17.280 of the Wildomar Zoning Ordinance, the Planning Commission hereby recommends the City Council make the following finding for the proposed Change of Zone No. 13-03.

- A. The proposed change of zone is in conformance with the adopted General Plan for the City of Wildomar.

The proposal to change the existing zoning designation from R-R (Rural Residential Zone) to R-4 (Planned Residential Zone) for four (4) parcels known as APN's: 380-220-002; 370-040-009; 380-270-013 & 380-250-003 is consistent with the General Plan in that the R-4 zoning category is the most appropriate zoning for all four (4) parcels to achieve the proper site design and density permitted under the Highest Density Residential (HHDR) land use designation use designation.

Further, the R-4 zone category is the most appropriate zoning in that it will meet the state mandated Regional Housing Needs Assessment (RHNA) housing numbers/units as required by Southern California Association of Governments (SCAG) and the state department of the Housing and Community Development (HCD). Further this zoning category has been reviewed and accepted and HCD as part of their review of the City's Housing Element Update project and conditional approval letter.

## **SECTION 3. PLANNING COMMISSION ACTION:**

The Planning Commission hereby adopts PC Resolution No. 13-26 recommending City Council adoption of an Ordinance (Exhibit 1 attached hereto to this Resolution) approving Change of Zone No. 13-03 to change the existing zoning designation from R-R (Rural Residential Zone) to R-4 (Planned Residential Zone) for four (4) parcels known as APN's: 380-220-002; 370-040-009; 380-270-013 & 380-250-003.

**PASSED, APPROVED AND ADOPTED** this 6th day of November 2013, by the following vote:

AYES.

NOES:

ABSENT:

ABSTAINED:

---

Stan Smith  
Planning Commission Chairman

**ATTEST:**

---

Matthew C. Bassi  
Planning Director/Minutes Secretary

**APPROVED AS TO FORM:**

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Erica L. Vega, Assistant City Attorney

**EXHIBIT 1 – of ATTACHMENT D**

**Draft City Council Ordinance**

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA APPROVING CHANGE OF ZONE NO. 13-03 TO CHANGE THE EXISTING ZONING DESIGNATION FROM R-R (RURAL RESIDENTIAL ZONE) TO R-4 (PLANNED RESIDENTIAL ZONE) FOR FOUR (4) PARCELS (APN'S: 380-220-002; 370-040-009; 380-270-013 & 380-250-003)**

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

**SECTION 1. CEQA.**

The approval of Change of Zone No. 13-03 is in compliance with requirements of the California Environmental Quality Act ("CEQA"), in that on December 11, 2013, at a duly noticed public hearing, the City Council approved and certified an Environmental Impact Report 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. CHANGE OF ZONE FINDINGS.**

In accordance with the State of California, Government Code Section 65853 – 65857 and Section 17.280 of the Wildomar Zoning Ordinance, the Planning Commission hereby recommends the City Council make the following finding for the proposed Change of Zone No. 13-03.

- A. The proposed change of zone is in conformance with the adopted General Plan for the City of Wildomar.

The proposal to change the existing zoning designation from R-R (Rural Residential Zone) to R-4 (Planned Residential Zone) for four (4) parcels known as APN's: 380-220-002; 370-040-009; 380-270-013 & 380-250-003 is consistent with the General Plan in that the R-4 zoning category is the most appropriate zoning for all four (4) parcels to achieve the proper site design and density permitted under the Highest Density Residential (HHDR) land use designation use designation.

Further, the R-4 zone category is the most appropriate zoning in that it will meet the state mandated Regional Housing Needs Assessment (RHNA) housing numbers/units as required by Southern California Association of Governments (SCAG) and the state department of the Housing and Community Development (HCD). Further this zoning category has been reviewed and accepted and HCD as part of their review of the City's Housing Element Update project and conditional approval letter.

**SECTION 3: AMENDMENT TO ZONING MAP**

The City Council, based on the findings above, hereby amends the Zoning Map to change the existing zoning designation from R-R (Rural Residential Zone) to R-4 (Planned Residential Zone) for four (4) parcels known as APN's: 380-220-002; 370-040-009; 380-270-013 & 380-250-003

**SECTION 4. EFFECTIVE DATE OF ORDINANCE.**

This Ordinance shall take effect and be in full force and operation thirty (30) days after its second reading and adoption.

**SECTION 5. 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 6. 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 11th day of December, 2013.

\_\_\_\_\_  
Timothy Walker  
Mayor

**APPROVED AS TO FORM:**

**ATTEST:**

\_\_\_\_\_  
Thomas D. Jex  
City Attorney

\_\_\_\_\_  
Debbie A. Lee, CMC  
City Clerk

STATE OF CALIFORNIA            )  
COUNTY OF RIVERSIDE        )  
CITY OF WILDOMAR            )

I, Debbie Lee, City Clerk of the City of Wildomar, do hereby certify that the foregoing Ordinance No. \_\_\_ was duly adopted by the City Council of the City of Wildomar at a regular meeting, held on the 11th day of December, 2013, by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

Debbie Lee, City Clerk

# **ATTACHMENT E**

**PC Resolution No. 13-27  
Zoning Ordinance Amendment No. 13-03**

**PC RESOLUTION NO. 13-27**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA RECOMMENDING CITY COUNCIL APPROVAL OF ZONING ORDINANCE AMENDMENT NO. 13-03 AMENDING TITLE 17 OF THE ZONING ORDINANCE TO ADOPT VARIOUS AMENDMENTS TO COMPLY WITH CHANGES IN STATE LAW AND IMPLEMENTATION OF THE 2013-2021 HOUSING ELEMENT UPDATE PROGRAMS**

**WHEREAS**, the Planning Department has processed the 2013-2021 Housing Element Update project consisting of the following actions/applications:

- 1) Zoning Ordinance Amendment No. 13-03: A proposal to amend Title 17 of the Zoning Ordinance to adopt various amendments to comply with state law and implementation of the 2013-2021 Housing Element programs.

**WHEREAS**, the Planning Commission of the City of Wildomar, California, has the authority and has reviewed the proposed Zoning Ordinance Amendment in accordance with the California Government Code, Sections 65853 - 65857 and Title 17 of the City of Wildomar Municipal Code; and

**WHEREAS**, the proposed Zoning Ordinance Amendment 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 Zoning Ordinance Amendment 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 § 21082.2(d); and,

**WHEREAS**, the City circulated a Notice of Preparation (NOP) of the Draft EIR beginning May 2, 2013 and concluding on June 3, 2013; and

**WHEREAS**, the City conducted a public scoping meeting concerning the proposed project on May 20, 2013; and

**WHEREAS**, upon completion of the Draft EIR, the City provided Notice of Completion (NOC) to the State Office of Planning and Research on August 15, 2013, as required under CEQA Guidelines § 15085; and

**WHEREAS**, on August 15, 2013, the City published Notice of Availability in "The Press Enterprise" (a local newspaper of general circulation), and gave notice to the Riverside County Clerk, and all interested parties requesting said notice regarding the preparation and review of a draft environmental impact report (SCH# 2013051001) for the proposed Housing Element Update project, and was posted in two places for review at 1) Wildomar City Hall, 2) Wildomar Mission Trail Library, and on the City of Wildomar website; and

**WHEREAS**, the Draft EIR was circulated to the public, responsible agencies and other interested parties as required by CEQA Guidelines § 15087 for a period of 45 days commencing on August 15, 2013 and concluding on September 30, 2013 in accordance with CEQA Guidelines § 15105(a); and

**WHEREAS**, before the close of the public comment period the City received four (4) comments (one comment letter was a duplicate) on the Draft EIR; and

**WHEREAS**, the Draft EIR consists of the following documents included as Exhibits to PC Resolution No. 13-23: Draft Environmental Impact Report (State Clearinghouse Number 2013051001); Exhibit 2: Final Environmental Impact Report; Exhibit 3: Draft Environmental Impact Report Findings of Fact; and Exhibit 4: Mitigation Monitoring and Reporting Program; and

**WHEREAS**, the EIR, as authorized under CEQA Guidelines § 15150, incorporates by reference the City of Wildomar General Plan, Zoning Ordinance, and the Final EIR prepared for the project; and

**WHEREAS**, in accordance with Government Code Sections 65090, 65091, 65092 and 65853 – 65857, the City of Wildomar Planning Department, on October 23, 2013, mailed a public hearing notice to all property owners affected by the Housing Element Update project notifying said property owners of the date and time of the public hearing for Zoning Ordinance Amendment No. 13-03 that would be considered by the City of Wildomar Planning Commission; and

**WHEREAS**, in accordance with Government Code Sections 65090, 65091, 65092 and 65853 – 65857, the City of Wildomar Planning Department, on October 25, 2013, published a legal notice in “The Press Enterprise,” a local newspaper of general circulation, in compliance with State law notifying the public of the holding of a public hearing for Zoning Ordinance Amendment No. 13-03 that would be considered by the City of Wildomar Planning Commission; and

**WHEREAS**, in accordance with Government Code Section 65090, 65091, 65092 and 65853 – 65857, the City of Wildomar Planning Commission conducted the duly noticed public hearing on November 6, 2013, at which time interested persons had an opportunity to testify in support of, or opposition to the proposed Zoning Ordinance Amendment and at which time the Planning Commission received public testimony concerning Zoning Ordinance Amendment No. 13-03.

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

**SECTION 1. CEQA:**

The approval of Zoning Ordinance Amendment No. 13-03 is in compliance with requirements of the California Environmental Quality Act (“CEQA”), in that on November 6, 2013, at a duly noticed public hearing, the Planning Commission recommended approval and certification of an Environmental Impact Report 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. ZONING ORDINANCE AMENDMENT FINDINGS.**

In accordance with the provisions of the Wildomar Zoning Ordinance, the following finding is offered for Planning Commission consideration in recommending approval of Zoning Ordinance Amendment No. 13-03 to the City Council.

- A. The proposed amendment is consistent with the City of Wildomar General Plan and Zoning Ordinance.

The proposed amendments outlined in ZOA No. 13-03 is consistent with the City of Wildomar General Plan in that the proposed amendments will implement the policies and programs of the 2013-2021 Housing Element. In addition, the amendments have processed in accordance Government Code Section 65800, et. seq., and Section 17.280 of the Zoning Ordinance. With the approval and implementation of the proposed amendments, the City's General Plan and Zoning Ordinance will be in compliance with state law as prescribed in the 2013-2021 Housing Element .

**SECTION 3. PLANNING COMMISSION ACTION.**

The Planning Commission hereby adopts PC Resolution No. 13-27 recommending City Council adoption of an Ordinance, attached hereto and incorporated herein by reference as Exhibit 1, approving Zoning Ordinance Amendment No. 13-03.

**PASSED, APPROVED AND ADOPTED** this 6th day of November 2013, by the following vote:

AYES.

NOES:

ABSENT:

ABSTAINED:

---

Stan Smith  
Planning Commission Chairman

**ATTEST:**

---

Matthew C. Bassi  
Planning Director/Minutes Secretary

**APPROVED AS TO FORM:**

---

Erica L. Vega, Assistant City Attorney

**EXHIBIT 1 – of ATTACHMENT E**

**Draft City Council Ordinance**

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, AMENDING CHAPTER 17 OF THE WILDOMAR MUNICIPAL CODE TO IMPLEMENT THE 2013-2021 WILDOMAR HOUSING ELEMENT BY ADDING SINGLE ROOM OCCUPANCIES, FARMWORKER HOUSING, TRANSITIONAL HOUSING, SUPPORTIVE HOUSING, SECONDARY DWELLING UNITS, AND STATE-LICENSED RESIDENTIAL CARE FACILITIES TO THE LISTS OF PERMITTED USES IN CERTAIN ZONES**

**WHEREAS**, on December 11, 2013, the City Council adopted and approved the 2013-2021 Housing Element for the City of Wildomar (“Housing Element”) and certified the EIR prepared for the Housing Element; and,

**WHEREAS**, the Housing Element calls for certain amendments to be made to the City’s Zoning Ordinance to implement the programs and policies contained in the Housing Element; and,

**WHEREAS**, this Ordinance amends the Zoning Ordinance to implement the Housing Element; and,

**WHEREAS**, the Planning Commission held a duly noticed public hearing on this Ordinance at its November 6, 2013 meeting and voted to recommend the City Council adopt this Ordinance; and,

**WHEREAS**, the City Council held a duly noticed public hearing on this Ordinance at its December 11, 2013 meeting; and,

**WHEREAS**, the adoption of this Ordinance is covered by the EIR prepared for the Housing Element and certified by the City Council on December 11, 2013, because this Ordinance implements the programs and policies contained in the Housing Element.

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

**SECTION 1. Amendment of Section 17.120.010(A).**

Section 17.120.010(A), which lists the permitted uses in the A-1 zone, is amended to add new subsections 17.120.010(A)(18) and (19), to read as follows:

“18. Farmworker housing.

19. State-licensed residential care facilities with six or fewer residents.”

**SECTION 2. Amendment of Section 17.128.010(A).**

Section 17.128.010(A), which lists the permitted uses in the A-2 zone, is amended to add new subsections 17.120.010(A)(21) and (22), to read as follows:

“21. Farmworker housing.

22. State-licensed residential care facilities with six or fewer residents”

**SECTION 3. Amendment of Section 17.32.010(A).**

Section 17.32.010(A), which lists the permitted uses in the R-A zone, is amended to add new subsections 17.32.010(A)(18)-(21) to read as follows:

“18. Farmworker housing.

19. State-licensed residential care facilities with six or fewer residents

20. Transitional housing, as that term is defined in Health & Safety Code § 50675.2(h).

21. Supportive housing, as that term is defined in Health & Safety Code § 50675.14(b)(2).”

**SECTION 4. Amendment of Section 17.16.010(A).**

Section 17.16.010(A), which lists the permitted uses in the R-R zone, is amended to add new subsections 17.16.010(A)(19)-(22), to read as follows:

“19. Second dwelling units.

20. State-licensed residential care facilities with six or fewer residents.

21. Transitional housing, as that term is defined in Health & Safety Code § 50675.2(h).

22. Supportive housing, as that term is defined in Health & Safety Code § 50675.14(b)(2).”

**SECTION 5. Amendment of Section 17.24.010.**

Section 17.24.010(A), which lists the permitted uses in the R-1 zone, is amended to add new subsections 17.24.010(A)(10)-(13), to read as follows:

“10. Second dwelling units.

11. State-licensed residential care facilities with six or fewer residents.

12. Transitional housing, as that term is defined in Health & Safety Code § 50675.2(h).

13. Supportive housing, as that term is defined in Health & Safety Code § 50675.14(b)(2).”

**SECTION 6. Amendment of Section 17.28.010(A).**

Section 17.28.010(A), which lists the permitted uses in the R-1A zone, is amended to add new subsections 17.28.010(A)(12)-(15), to read as follows:

“12. Second dwelling units.

13. State-licensed residential care facilities with six or fewer residents.

14. Transitional housing, as that term is defined in Health & Safety Code § 50675.2(h).

15. Supportive housing, as that term is defined in Health & Safety Code § 50675.14(b)(2).”

**SECTION 7. Amendment of Section 17.36.010(A).**

Section 17.36.010(A), which lists the permitted uses in the R-2 zone, is amended to add new subsections 17.36.010(A)(13)-(15), to read as follows:

“13. State-licensed residential care facilities with six or fewer residents

14. Transitional housing, as that term is defined in Health & Safety Code § 50675.2(h).

15. Supportive housing, as that term is defined in Health & Safety Code § 50675.14(b)(2).”

**SECTION 8. Amendment of Section 17.36.010(C).**

Section 17.36.010(C), which lists the uses allowed in the R-2 zone with a conditional use permit, is amended to add a new subsection 17.36.010(C) to read as follows:

“(3) state-licensed residential care facilities with seven or more residents.”

**SECTION 9. Amendment of Section 17.40.010(A).**

Section 17.40.010(A), which lists the permitted uses in the R-2A zone, is amended to add new subsections 17.40.010(A)(28)-(30), to read as follows:

“28. State-licensed residential care facilities with six or fewer residents

29. Transitional housing, as that term is defined in Health & Safety Code § 50675.2(h).

30. Supportive housing, as that term is defined in Health & Safety Code § 50675.14(b)(2).”

**SECTION 10. Amendment of Section 17.44.010(A).**

Section 17.44.010(A), which lists the permitted uses in the R-3 zone, is amended to add new subsections 17.44.010(A)(28)-(30), to read as follows:

“28. State-licensed residential care facilities with six or fewer residents

29. Transitional housing, as that term is defined in Health & Safety Code § 50675.2(h).

30. Supportive housing, as that term is defined in Health & Safety Code § 50675.14(b)(2).”

**SECTION 11. Amendment of Section 17.44.010(B).**

Section 17.44.010(B), which lists the uses that are allowed in the R-3 zone with a conditional use permit, is amended to add new subsection 17.44.010(B)(5), to read as follows:

“5. State-licensed residential care facilities with seven or more residents.”

**SECTION 12. Amendment of Section 17.48.020(A).**

Section 17.48.020(A), which lists the permitted uses in the R-3A zone, is amended to add new subsections 17.48.020(A)(7)-(9), to read as follows:

“7. State-licensed residential care facilities with six or fewer residents

8. Transitional housing, as that term is defined in Health & Safety Code § 50675.2(h).

9. Supportive housing, as that term is defined in Health & Safety Code § 50675.14(b)(2).”

**SECTION 13. Amendment of Section 17.52.010(A).**

Section 17.52.010(A), which lists the permitted uses in the R-T zone, is amended to add new subsections 17.52.010(A)(5)-(7), to read as follows:

“5. State-licensed residential care facilities with six or fewer residents.

6. Transitional housing, as that term is defined in Health & Safety Code § 50675.2(h).

7. Supportive housing, as that term is defined in Health & Safety Code § 50675.14(b)(2).”

**SECTION 14. Amendment of Section 17.56.010(A).**

Section 17.56.010(A), which lists the permitted uses in the R-T-R zone, is amended to add new subsections 17.56.010(A)(5)-(7), to read as follows:

“5. State-licensed residential care facilities with six or fewer residents.

6. Transitional housing, as that term is defined in Health & Safety Code § 50675.2(h).

7. Supportive housing, as that term is defined in Health & Safety Code § 50675.14(b)(2).”

**SECTION 15. Amendment of Section 17.60.020(A)**

Section 17.60.020(A), which lists the permitted uses in the R-4 zone, is amended to add new subsections 17.60.020(A)(6)-(8), to read as follows:

“6. State-licensed residential care facilities with six or fewer residents.

7. Transitional housing, as that term is defined in Health & Safety Code § 50675.2(h).

8. Supportive housing, as that term is defined in Health & Safety Code § 50675.14(b)(2).”

**SECTION 16. Amendment of Section 17.60.020(B).**

Section 17.60.020(B), which lists the uses that are permitted with a conditional use permit in the R-4 zone, is amended to add single-room occupancies to the list, and shall read as follows:

“B. The following uses shall be permitted provided a conditional use permit is granted pursuant to Chapter 17.200: mobile home parks, developed pursuant to Chapter 17.264, single-room occupancies (SROs).”

**SECTION 17. Amendment of Section 17.68.020(A).**

Section 17.68.020(A), which lists the permitted uses in the R-6 zone, is amended to add new subsections 17.60.020(A)(9)-(11), to read as follows:

- “9. State-licensed residential care facilities with six or fewer residents.
- 10. Transitional housing, as that term is defined in Health & Safety Code § 50675.2(h).
- 11. Supportive housing, as that term is defined in Health & Safety Code § 50675.14(b)(2).”

**SECTION 18. Addition of Section 17.68.020(C).**

A new subsection (C) is hereby added to Section 17.68.020 and shall read as follows:

“C. The following uses shall be permitted provided a conditional use permit is granted pursuant to Chapter 17.200: single-room occupancies (SROs).”

**SECTION 19. Addition of Section 17.88.010(B)**

Section 17.88.010(B), which lists the permitted uses in the I-P zone, is amended to add new subsections 17.88.010(B)(17) to read as follows:

“17. Emergency Shelters subject to the following provisions:

- a) Distance Separation Requirements. No emergency shelter shall be located within 250 feet of any other emergency shelter.
- b) Occupancy. An emergency shelter shall not exceed 40 residents, excluding staff.
- c) Length of Occupancy. Any single resident’s stay shall not exceed six consecutive months.
- d) Parking Requirements. Emergency shelters shall provide one parking space for every staff member and one parking space for every 10 temporary residents.
- e) Management. An emergency shelter must adequately comply with the following management standards:
  - 1. There shall be space inside the building so that prospective and current residents are not required to wait on sidewalks or any other public rights-of-way.
  - 2. Security shall be provided on site during hours of operation.
  - 3. On-site management shall be provided by at least one emergency shelter staff member at all times while residents are present at the shelter.
  - 4. Emergency shelter lighting shall be consistent with the City of Wildomar’s adopted building code and light protection ordinance.”

**SECTION 20. Amendment of Section 17.204.010.**

Section 17.204.010, regarding the applicability of second unit permits, is amended to add a second sentence and shall read as follows:

“Whenever a request is made for a standard or senior citizen hardship second unit permit, the following provisions shall take effect. The following provisions do not apply to second units in the R-R, R-1, and R-1A zones, as second units are allowed by right in those zones.”

**SECTION 21. Amendment of Section 17.208.010.**

Section 17.208.010, regarding uses subject to a Public Use Permit, is amended to clarify state-licensed residential care facilities are not subject to a PUP, and shall read as follows:

“Notwithstanding any other provisions of this title, the following uses may be permitted in any zone classification; provided, that a public use permit is granted pursuant to the provisions of this section:

- A. Educational institutions;
- B. Government uses;
- C. Any hospital or other facility that is licensed by the California Department of Public Health or the California Department of Social Services, but not including any state-licensed residential care facility;
- D. Half-way house;
- E. Public utilities.”

**SECTION 22. Amendment of Section 17.272.010.**

Section 17.272.010 is amended to clarify what types of facilities qualify as congregate care residential facilities, and shall read as follows:

“It is the intent of the City Council in adopting this chapter to provide alternative housing opportunities for those persons capable of independent living who do not need the level of care provided at convalescent facilities. It is the intent of the City Council that this chapter apply to facilities that are not required to obtain a license from the State to operate and that provide non-medical care and supervision to the residents. The Council also finds that this chapter will provide a standard for distinguishing between congregate care residential facilities and other multifamily uses.

**SECTION 23. Addition of Chapter 17.300.**

A new Chapter 17.300 [Definitions] is added to Title 17 of the Wildomar Municipal Code, to read as follows:

**“Chapter 17.300 DEFINITIONS**

**Section 17.300.010. General Definitions**

The Definitions provided in Section 1.04.120 of this Code shall apply unless a specific definition is provided in Section 17.300.020 or the context clearly indicates otherwise.

**Section 17.300.020 Specific Definitions**

As used in this Title, unless a different meaning is apparent from the context or is specified elsewhere in the Title:

“Family” shall mean one or more persons living together in a dwelling unit, with common access to and common use of all living, kitchen, and eating areas within the dwelling unit.

“State-licensed residential care facility” shall mean any residential facility that provides onsite care, treatment or other services to its residents that is required to be and is licensed by the State of California.”

**SECTION 24. Severability.** If any section, subsection, sentence, clause, or phrase 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 and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

**SECTION 25. Effective Date.** This ordinance shall take effect thirty (30) days after its passage by the City Council.

**SECTION 26. Publication.** The City Clerk shall cause this ordinance to be published or posted in accordance with Government Code section 36933.

**SECTION 27. 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 11th day of December, 2013.

\_\_\_\_\_  
Timothy Walker  
Mayor

**APPROVED AS TO FORM:**

**ATTEST:**

\_\_\_\_\_  
Thomas D. Jex  
City Attorney

\_\_\_\_\_  
Debbie A. Lee, CMC  
City Clerk

STATE OF CALIFORNIA            )  
COUNTY OF RIVERSIDE        )  
CITY OF WILDOMAR            )

I, Debbie Lee, City Clerk of the City of Wildomar, do hereby certify that the foregoing Ordinance No. \_\_\_ was duly adopted by the City Council of the City of Wildomar at a regular meeting, held on the 11th day of December, 2013, by the following vote of the Council:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

\_\_\_\_\_  
Debbie Lee, City Clerk

# **ATTACHMENT F**

**PC Resolution No. 13-28  
Zoning Ordinance Amendment No. 13-04**

**PC RESOLUTION NO. 13-28**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA RECOMMENDING CITY COUNCIL APPROVAL OF ZONING ORDINANCE AMENDMENT NO. 13-04 TO AMEND TITLE 17 OF THE ZONING ORDINANCE TO ADOPT A DENSITY BONUS ORDINANCE TO COMPLY WITH STATE LAW AND IMPLEMENT THE 2013-2021 HOUSING ELEMENT PROGRAMS**

**WHEREAS**, the Planning Department has processed the 2013-2021 Housing Element Update project consisting of the following actions/applications:

- 1) Zoning Ordinance Amendment No. 13-04: A proposal to amend Title 17 of the Zoning Ordinance to adopt a “Density Bonus Ordinance” to comply with state law and implementation of the 2013-2021 Housing Element programs.

**WHEREAS**, the Planning Commission of the City of Wildomar, California, has the authority and has reviewed the proposed Zoning Ordinance Amendment in accordance with the California Government Code, Sections 65853 - 65857 and Title 17 of the City of Wildomar Municipal Code; and

**WHEREAS**, the proposed Zoning Ordinance Amendment 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 Zoning Ordinance Amendment 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 § 21082.2(d); and,

**WHEREAS**, the City circulated a Notice of Preparation (NOP) of the Draft EIR beginning May 2, 2013 and concluding on June 3, 2013; and

**WHEREAS**, the City conducted a public scoping meeting concerning the proposed project on May 20, 2013; and

**WHEREAS**, upon completion of the Draft EIR, the City provided Notice of Completion (NOC) to the State Office of Planning and Research on August 15, 2013, as required under CEQA Guidelines § 15085; and

**WHEREAS**, on August 15, 2013, the City published Notice of Availability in “The Press Enterprise” (a local newspaper of general circulation), and gave notice to the Riverside County Clerk, and all interested parties requesting said notice regarding the preparation and review of a draft environmental impact report (SCH# 2013051001) for the proposed Housing Element Update project, and was posted in two places for review at 1) Wildomar City Hall, 2) Wildomar Mission Trail Library, and on the City of Wildomar website; and

**WHEREAS**, the Draft EIR was circulated to the public, responsible agencies and other interested parties as required by CEQA Guidelines § 15087 for a period of 45 days commencing

on August 15, 2013 and concluding on September 30, 2013 in accordance with CEQA Guidelines § 15105(a); and

**WHEREAS**, before the close of the public comment period the City received four (4) comments (one comment letter was a duplicate) on the Draft EIR; and

**WHEREAS**, the Draft EIR consists of the following documents included as Exhibits to PC Resolution No. 13-23: Draft Environmental Impact Report (State Clearinghouse Number 2013051001); Exhibit 2: Final Environmental Impact Report; Exhibit 3: Draft Environmental Impact Report Findings of Fact; and Exhibit 4: Mitigation Monitoring and Reporting Program; and

**WHEREAS**, the EIR, as authorized under CEQA Guidelines § 15150, incorporates by reference the City of Wildomar General Plan, Zoning Ordinance, and the Final EIR prepared for the project; and

**WHEREAS**, in accordance with Government Code Sections 65090, 65091, 65092 and 65853 – 65857, the City of Wildomar Planning Department, on October 23, 2013, mailed a public hearing notice to all property owners affected by the Housing Element Update project notifying said property owners of the date and time of the public hearing for Zoning Ordinance Amendment No. 13-04 that would be considered by the City of Wildomar Planning Commission; and

**WHEREAS**, in accordance with Government Code Sections 65090, 65091, 65092 and 65853 – 65857, the City of Wildomar Planning Department, on October 25, 2013, published a legal notice in “The Press Enterprise,” a local newspaper of general circulation, in compliance with State law notifying the public of the holding of a public hearing for Zoning Ordinance Amendment No. 13-04 that would be considered by the City of Wildomar Planning Commission; and

**WHEREAS**, in accordance with Government Code Section 65090, 65091, 65092 and 65853 – 65857, the City of Wildomar Planning Commission conducted the duly noticed public hearing on November 6, 2013, at which time interested persons had an opportunity to testify in support of, or opposition to the proposed Zoning Ordinance Amendment and at which time the Planning Commission received public testimony concerning Zoning Ordinance Amendment No. 13-04.

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

**SECTION 1. CEQA:**

The approval of Zoning Ordinance Amendment No. 13-04 is in compliance with requirements of the California Environmental Quality Act (“CEQA”), in that on November 6, 2013, at a duly noticed public hearing, the Planning Commission recommended approval and certification of an Environmental Impact Report 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. ZONING ORDINANCE AMENDMENT FINDINGS.**

In accordance with the provisions of the Wildomar Zoning Ordinance, the following finding is offered for Planning Commission consideration in recommending approval of Zoning Ordinance Amendment No. 13-04 to the City Council.

- A. The proposed amendment is consistent with the City of Wildomar General Plan and Zoning Ordinance.

The proposed amendment to adopt a Density Bonus ordinance as outlined in ZOA No. 13-04 is consistent with the City of Wildomar General Plan in that the proposed amendment will implement the policies and programs of the 2013-2021 Housing Element requiring such amendment. In addition, the Density Bonus ordinance has been processed in accordance Government Code Section 65800, et. seq., and Section 17.280 of the Zoning Ordinance. With the approval and implementation of the proposed amendment, the City's General Plan and Zoning Ordinance will be in compliance with state law as prescribed in the 2013-2021 Housing Element.

**SECTION 3. PLANNING COMMISSION ACTION.**

The Planning Commission hereby adopts PC Resolution No. 13-28 recommending City Council adoption of an Ordinance, attached hereto and incorporated herein by reference as Exhibit 1, approving Zoning Ordinance Amendment No. 13-04.

**PASSED, APPROVED AND ADOPTED** this 6th day of November 2013, by the following vote:

AYES.

NOES:

ABSENT:

ABSTAINED:

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Stan Smith  
Planning Commission Chairman

**ATTEST:**

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Matthew C. Bassi  
Planning Director/Minutes Secretary

**APPROVED AS TO FORM:**

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Erica L. Vega, Assistant City Attorney

**EXHIBIT 1 – of ATTACHMENT F**

**Draft City Council Ordinance**

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, ADDING SECTION 17.290 TO THE CITY OF WILDOMAR MUNICIPAL CODE (TITLE 17 – ZONING) REGARDING DENSITY BONUSES AND OTHER HOUSING DEVELOPMENT INCENTIVES TO COMPLY WITH STATE LAW**

**WHEREAS**, on December 11, 2013, the City Council adopted and approved the 2013-2021 Housing Element for the City of Wildomar (“Housing Element”) and certified the EIR prepared for the Housing Element; and,

**WHEREAS**, the Housing Element calls for certain amendments to be made to the City’s Zoning Ordinance to implement the programs and policies contained in the Housing Element; and,

**WHEREAS**, this Ordinance amends the Zoning Ordinance to implement the Housing Element; and,

**WHEREAS**, the Planning Commission held a duly noticed public hearing on this Ordinance at its November 6, 2013 meeting and voted to recommend the City Council adopt this Ordinance; and,

**WHEREAS**, the City Council held a duly noticed public hearing on this Ordinance at its December 11, 2013 meeting; and,

**WHEREAS**, the adoption of this Ordinance is covered by the EIR prepared for the Housing Element and certified by the City Council on December 11, 2013, because this Ordinance implements the programs and policies contained in the Housing Element.

**THE CITY COUNCIL OF THE CITY OF WILDOMAR ORDAINS AS FOLLOWS:**

**SECTION 1. Addition of Chapter 17.290 to the Wildomar Municipal Code.** A new Chapter 17.290 is hereby added to Title 17 of the Wildomar Municipal Code, to read as follows:

**“Chapter 17.290 Density Bonuses and Other Incentives**

**Sections:**

- 17.290.010 Definitions.**
- 17.290.020 General density bonus provisions.**
- 17.290.030 Incentives and concessions.**
- 17.290.040 Waiver or reduction of development standards.**
- 17.290.050 Calculation of density bonus.**
- 17.290.060 Additional density bonus through donation of land.**
- 17.290.070 Additional density bonus or concession or incentive through provision of child care facility.**
- 17.290.080 City’s discretion in granting density bonus.**
- 17.290.090 Parking requirements.**
- 17.290.100 Interpretation.**

## **17.290.010 Definitions.**

For purposes of this chapter, the following definitions apply:

“Affordable housing cost” has the definition set forth in California Health & Safety Code section 50052.5.

“Affordable rent” has the definition set forth in California Health & Safety Code section 50053.

“Child care facility” means a facility other than a family day care home, including but not limited to, infant centers, preschools, extended day care facilities, and school age child care centers.

“Common interest development” has the definition set forth in California Civil Code section 1351.

“Concession” or “Incentive” means any of the following:

1. A reduction in site development standards or a modification of Zoning Ordinance requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission, as provided in Part 2.5 (the State Building Code commencing with Health & Safety Code § 18901) of Division 13 of the Health and Safety Code, including but not limited to, a reduction in setback and square footage requirements, and in the ratio of vehicular parking spaces that would otherwise be required, that results in identifiable, financially sufficient, and actual cost reductions.
2. Approval of mixed use zoning in conjunction with a housing project, if commercial, office, industrial or other land uses will reduce the cost of a housing development, and if the commercial, office, industrial or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.
3. Other regulatory incentives or concessions proposed by the applicant or the city that result in identifiable, financially sufficient and actual cost reductions.

This definition does not limit or require the provision of direct financial incentives for a housing development, including the provision of publicly owned land by the city or the waiver of fees or dedication requirements.

“Density bonus” means a density increase over the otherwise maximum allowable residential density under the applicable Zoning Ordinance provisions and the land use element of the general plan as of the date of application by the applicant to the city.

“Development standard” means the site or construction conditions that apply to a residential development pursuant to any ordinance, general plan element, specific plan, or other city condition, law, policy, resolution or regulation.

“Director” means the planning director or the director’s designee.

“Housing development” means a development project for five or more residential units. “Housing development” also includes a subdivision or common interest development consisting of

residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling where the result of the rehabilitation would be a net increase in the number of residential units. For the purpose of calculating a density bonus, the residential units shall be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels. The density bonus is permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located.

“Lower income households” has the definition set forth in California Health & Safety Code section 50079.5.

“Maximum allowable residential density” means the density allowed under the Zoning Ordinance or general plan land use designation for a parcel, or if a range of density is permitted, the highest allowable density within that range.

“Moderate income households” has the definition for “persons or families of moderate income” set forth in California Health & Safety Code section 50093(b).

“Multifamily dwelling” has the definition set forth in California Government Code section 65863.4(d).

“Senior citizen housing development” has the definition set forth in California Civil Code section 51.3.

“Specific, adverse impact” has the definition set forth in California Government Code section 65589.5(d)(2).

“Very low income households” has the definition set forth in California Health & Safety Code section 50105.

#### **17.290.020 General density bonus provisions.**

- A. Application. Any person that desires a density bonus must make an application on a form approved by the director at the time of submitting an entitlement application for the housing development for which a density bonus is requested.
- B. Incentives and concessions. When an applicant seeks a density bonus for a housing development or for the donation of land for housing within the city, the city must provide the applicant incentives or concessions for the production of housing units and child care facilities as provided in this chapter.
- C. Available density bonus options. The planning commission or city council will grant one density bonus, the amount of which will be as specified in Section 17.290.050, and incentives or concessions as described in Section 17.290.030, when an applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this chapter, that will contain at least one of the following:
  - 1. 10 percent of the total units of a housing development for lower income households.

2. 5 percent of the total units of a housing development for very low income households.
  3. 10 percent of the total dwelling units in a common interest development for moderate income households, provided that all units in the housing development are offered to the public for purchase.
  4. A senior citizen housing development.
- D. Applicant's election of basis for bonus. For purposes of calculating the amount of the density bonus pursuant to Section 17.290.050, the applicant who requests a density bonus pursuant to this section must elect whether the bonus will be awarded on the basis of paragraphs (1), (2), (3) or (4) of subsection (C) of this section.
- E. Continued affordability.
1. An applicant must agree to the continued affordability of all low and very low income units that qualified the applicant for the award of the density bonus for 30 years or a longer period of time if required by any applicable construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Rents for the lower income density bonus units must be set at an affordable rent. Owner-occupied units must be available at an affordable housing cost.
  2. An applicant must agree that the initial occupant of the moderate income units that are directly related to the receipt of the density bonus in a common interest development are moderate income households and that the units are offered at an affordable housing cost. The city will require an equity-sharing agreement, unless such an agreement would be in conflict with the requirements of another public funding source or law. The following apply to the equity sharing agreement:
    - a. Upon resale, the seller of the unit may retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The city will recapture any initial subsidy and its proportionate share of appreciation, which amount must then be used within five years for any of the purposes that promote home ownership, as described in California Health & Safety Code section 33334.2(e).
    - b. The city's initial subsidy will be equal to the fair market value of the home at the time of initial sale, minus the initial sale price to the moderate income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale will be used as the initial market value.
    - c. The city's proportionate share of appreciation will be equal to the ratio of the initial subsidy to the fair market value of the unit at the time of initial sale.

### **17.290.030 Incentives and concessions.**

- A. Proposal by Applicant. An applicant for a density bonus pursuant to Section 17.290.020 may submit a proposal for the specific incentives or concessions that the applicant requests pursuant to this chapter, and may request a meeting with the director.
- B. Number of Incentives. Subject to subsection (C) below, the applicant will receive the following number of incentives or concessions:
1. One incentive or concession for housing developments that include at least 10 percent of the total units for lower income households, at least 5 percent for very low income households, or at least 10 percent for moderate income households in a common interest development.
  2. Two incentives or concessions for housing developments that include at least 20 percent of the total units for lower income households, at least 10 percent for very low income households, or at least 20 percent for moderate income households in a common development.
  3. Three incentives or concessions for housing developments that include at least 30 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for moderate income households in a common interest development.
- C. Findings. The planning commission or city council must grant the concessions or incentives requested by the applicant, unless it makes a written finding, based upon substantial evidence, that:
1. The concession or incentive is not required in order to provide for affordable housing costs, or for rents for the targeted units to be set as specified in Section 17.290.020(E);
  2. The concession or incentive would have a specific, adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households; or
  3. The concession or improvement would be contrary to state or federal law.

### **17.290.040 Waiver or reduction of development standards.**

- A. Proposal by Applicant. An applicant may submit to the city a proposal for the waiver or reduction of development standards that the applicant believes will have the effect of physically precluding the construction of a housing development that meets the criteria of Section 17.290.020(C) at the densities or with the concessions or incentives permitted by this chapter, and may request a meeting with the director. Such proposal may not increase the number of incentives or concessions that the applicant is entitled to under Section 17.290.030.

- B. Findings. The planning commission or city council must waive or reduce the development standard requested by the applicant, unless it makes a written finding, based upon substantial evidence, that:
1. The waiver or reduction would have a specific, adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact; or
  2. The waiver or reduction would be contrary to state or federal law.

**17.290.050 Calculation of density bonus.**

- A. The amount of density bonus to which the applicant is entitled will vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in Section 17.290.020(C). The applicant may elect to accept a lesser percentage of density bonus.
- B. For housing developments meeting the criteria of Section 17.290.020(C)(1), the density bonus will be calculated as follows:

<b>Percentage (%) of Low Income Units</b>	<b>Percentage (%) Density Bonus</b>
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
17	30.5
18	32
19	33.5
20	35

- C. For housing developments meeting the criteria of Section 17.290.020(C)(2), the density bonus will be calculated as follows:

<b>Percentage (%) Very Low Income Units</b>	<b>Percentage (%) Density Bonus</b>
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

- D. For housing developments meeting the criteria of Section 17.290.020(C)(4) the density bonus will be 20 percent.
- E. For housing developments meeting the criteria of Section 17.290.020(C)(3), the density bonus will be calculated as follows:

<b>Percentage (%) of Moderate Income Units</b>	<b>Percentage (%) Density Bonus</b>
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14

20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35

F. All density calculations resulting in fractional units will be rounded up to the next whole number.

**17.290.060 Additional density bonus through donation of land.**

- A. Criteria for Additional Density Bonus. An applicant for a housing development will be eligible for the additional density bonus described in this section if all of the following conditions are met:
1. The applicant donates and transfers land to the City no later than the date of approval of the final subdivision map or parcel map or residential development application.
  2. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households, in an amount not less than 10 percent of the total number of residential units in the applicant's proposed housing development.
  3. The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned for development as affordable housing, and is or will be served by adequate public facilities and infrastructure.
    - a. The land must have appropriate zoning and development standards to make the development of the affordable units feasible.
    - b. No later than the date of approval of the final subdivision map, parcel map, or of the residential development, the transferred land must have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, except that the local government may subject the proposed development to subsequent design review, to the extent authorized by California Government Code section 65583.2(i), if the design is not reviewed by the city prior to the time of transfer.
  4. The transferred land and the affordable units will be subject to a deed restriction ensuring continued affordability of the units consistent with Section 17.290.020(E)(1) and (2), which restriction will be recorded on the property at the time of the transfer.
  5. The land is transferred to the city or to a housing developer approved by the city. The city may require the applicant to identify and transfer the land to such housing developer.
  6. The transferred land must be within the boundary of the proposed housing development or, if the city agrees, within one-quarter mile of the boundary of the proposed housing development.
  7. A proposed source of funding for the very low income units shall be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application.
- B. Grant of Additional Density. When an applicant for a housing development approval donates land to the city that meets the criteria of paragraph A of this section, the

applicant will be entitled to an increase above the otherwise maximum allowable residential density under the applicable zoning and the land use designation of the general plan for the entire development, as follows:

<b>Percentage (%) of Very Low Income</b>	<b>Percentage (%) Density Bonus</b>
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

- C. Limitations. This increase provided for in this section is in addition to any increase in density mandated by Section 17.290.020(C), up to a maximum combined density increase of 35 percent, if an applicant seeks increases required pursuant to both this section and Section 17.290.020(C).
1. All density calculations resulting in fractional units will be rounded up to the next whole number.
  2. Nothing in this section will be construed to enlarge or diminish the authority of the city to require a developer to donate land as a condition of development.

**17.290.070 Additional density bonus or concession or incentive through provision of child care facility.**

- A. Grant of Additional Density or Concessions. When an applicant proposes to construct a housing development that conforms to the requirements of Section 17.290.020(C) and includes a child care facility that will be located on the premises of, as part of, or adjacent to, the housing development, the planning commission or city council must grant one of the following:
1. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility; or,
  2. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.
- B. Conditions of Approval. The planning commission or city council will require, as a condition of approving the housing development that the following occur:
1. The child care facility must remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable pursuant to Section 17.290.020(E).
  2. Of the children who attend the child care facility, the children of very low income households, lower income households, or moderate income households must equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or moderate income households pursuant to Section 17.290.020(C).
- C. Adequate Facilities Exception. Notwithstanding any requirement of this section, the planning commission or city council is not required to provide a density bonus or concession for a child care facility if it finds, based upon substantial evidence, that the community has adequate child care facilities.

**17.290.080 City's discretion in granting density bonus.**

Nothing in this chapter will be construed to prohibit the planning commission or city council from granting a density bonus greater than what is described in this chapter for a housing development that meets the requirements of this chapter, or from granting a proportionately lower density bonus than what is required by this chapter for housing developments that do not meet the requirements of this chapter.

### **17.290.090 Parking requirements.**

- A. Maximum Ratios. Upon the request of the applicant, the city will not require a vehicular parking ratio, inclusive of handicapped and guest parking, of a housing development meeting the criteria of Section 17.290.020(C) that exceeds the following ratios:
1. Zero to one bedrooms: one onsite parking space.
  2. Two to three bedrooms: two onsite parking spaces.
  3. Four and more bedrooms: two and one-half parking spaces.
- B. Provision of Parking. If the total number of parking spaces required for a housing development is other than a whole number, the number will be rounded up to the next whole number. For purposes of this section, a housing development may provide “onsite parking” through tandem parking or uncovered parking, but not through on-street parking.
- C. Additional Incentives. This section applies to a development that meets the requirements of Section 17.290.020(C), but only at the request of the applicant. An applicant may request additional parking incentives or concessions beyond those provided in this chapter, subject to Section 17.290.030.

### **17.290.100 Interpretation**

The granting of a density bonus, concession or incentive pursuant to this chapter shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval.”

### **SECTION 2. 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 will 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 3. EFFECTIVE DATE.**

This ordinance shall take effect thirty (30) days after its passage by the City Council.

### **SECTION 4. PUBLICATION.**

The city clerk is directed to certify the adoption of this ordinance and cause it to be published in the manner required by law.

**SECTION 5. 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 11th day of December, 2013.

\_\_\_\_\_  
Timothy Walker  
Mayor

**APPROVED AS TO FORM:**

**ATTEST:**

\_\_\_\_\_  
Thomas D. Jex  
City Attorney

\_\_\_\_\_  
Debbie A. Lee, CMC  
City Clerk

STATE OF CALIFORNIA            )

COUNTY OF RIVERSIDE         )

CITY OF WILDOMAR            )

I, Debbie Lee, City Clerk of the City of Wildomar, do hereby certify that the foregoing Ordinance No. \_\_\_ was duly adopted by the City Council of the City of Wildomar at a regular meeting, held on the 11th day of December, 2013, by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Debbie Lee, City Clerk

# **ATTACHMENT G**

**PC Resolution No. 13-29  
Zoning Ordinance Amendment No. 13-05**

**PC RESOLUTION NO. 13-29**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA RECOMMENDING CITY COUNCIL APPROVAL OF ZONING ORDINANCE AMENDMENT NO. 13-05 TO AMEND TITLE 17 OF THE ZONING ORDINANCE TO ADOPT A REASONABLE ACCOMMODATIONS ORDINANCE TO COMPLY WITH STATE LAW AND IMPLEMENT THE 2013-2021 HOUSING ELEMENT PROGRAMS**

**WHEREAS**, the Planning Department has processed the 2013-2021 Housing Element Update project consisting of the following actions/applications:

- 1) Zoning Ordinance Amendment No. 13-05: A proposal to amend Title 17 of the Zoning Ordinance to adopt a “Reasonable Accommodations Ordinance” to comply with state law and implementation of the 2013-2021 Housing Element programs.

**WHEREAS**, the Planning Commission of the City of Wildomar, California, has the authority and has reviewed the proposed Zoning Ordinance Amendment in accordance with the California Government Code, Sections 65853 - 65857 and Title 17 of the City of Wildomar Municipal Code; and

**WHEREAS**, the proposed Zoning Ordinance Amendment 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 Zoning Ordinance Amendment 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 § 21082.2(d); and,

**WHEREAS**, the City circulated a Notice of Preparation (NOP) of the Draft EIR beginning May 2, 2013 and concluding on June 3, 2013; and

**WHEREAS**, the City conducted a public scoping meeting concerning the proposed project on May 20, 2013; and

**WHEREAS**, upon completion of the Draft EIR, the City provided Notice of Completion (NOC) to the State Office of Planning and Research on August 15, 2013, as required under CEQA Guidelines § 15085; and

**WHEREAS**, on August 15, 2013, the City published Notice of Availability in “The Press Enterprise” (a local newspaper of general circulation), and gave notice to the Riverside County Clerk, and all interested parties requesting said notice regarding the preparation and review of a draft environmental impact report (SCH# 2013051001) for the proposed Housing Element Update project, and was posted in two places for review at 1) Wildomar City Hall, 2) Wildomar Mission Trail Library, and on the City of Wildomar website; and

**WHEREAS**, the Draft EIR was circulated to the public, responsible agencies and other interested parties as required by CEQA Guidelines § 15087 for a period of 45 days commencing

on August 15, 2013 and concluding on September 30, 2013 in accordance with CEQA Guidelines § 15105(a); and

**WHEREAS**, before the close of the public comment period the City received four (4) comments (one comment letter was a duplicate) on the Draft EIR; and

**WHEREAS**, the Draft EIR consists of the following documents included as Exhibits to PC Resolution No. 13-23: Draft Environmental Impact Report (State Clearinghouse Number 2013051001); Exhibit 2: Final Environmental Impact Report; Exhibit 3: Draft Environmental Impact Report Findings of Fact; and Exhibit 4: Mitigation Monitoring and Reporting Program; and

**WHEREAS**, the EIR, as authorized under CEQA Guidelines § 15150, incorporates by reference the City of Wildomar General Plan, Zoning Ordinance, and the Final EIR prepared for the project; and

**WHEREAS**, in accordance with Government Code Sections 65090, 65091, 65092 and 65853 – 65857, the City of Wildomar Planning Department, on October 23, 2013, mailed a public hearing notice to all property owners affected by the Housing Element Update project notifying said property owners of the date and time of the public hearing for Zoning Ordinance Amendment No. 13-05 that would be considered by the City of Wildomar Planning Commission; and

**WHEREAS**, in accordance with Government Code Sections 65090, 65091, 65092 and 65853 – 65857, the City of Wildomar Planning Department, on October 25, 2013, published a legal notice in “The Press Enterprise,” a local newspaper of general circulation, in compliance with State law notifying the public of the holding of a public hearing for Zoning Ordinance Amendment No. 13-05 that would be considered by the City of Wildomar Planning Commission; and

**WHEREAS**, in accordance with Government Code Section 65090, 65091, 65092 and 65853 – 65857, the City of Wildomar Planning Commission conducted the duly noticed public hearing on November 6, 2013, at which time interested persons had an opportunity to testify in support of, or opposition to the proposed Zoning Ordinance Amendment and at which time the Planning Commission received public testimony concerning Zoning Ordinance Amendment No. 13-05.

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

**SECTION 1. CEQA:**

The approval of Zoning Ordinance Amendment No. 13-05 is in compliance with requirements of the California Environmental Quality Act (“CEQA”), in that on November 6, 2013, at a duly noticed public hearing, the Planning Commission recommended approval and certification of an Environmental Impact Report 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. ZONING ORDINANCE AMENDMENT FINDINGS.**

In accordance with the provisions of the Wildomar Zoning Ordinance, the following finding is offered for Planning Commission consideration in recommending approval of Zoning Ordinance Amendment No. 13-05 to the City Council.

- A. The proposed amendment is consistent with the City of Wildomar General Plan and Zoning Ordinance.

The proposed amendment to adopt a Reasonable Accommodations ordinance as outlined in ZOA No. 13-05 is consistent with the City of Wildomar General Plan in that the proposed amendment will implement the policies and programs of the 2013-2021 Housing Element requiring such amendment. In addition, the Reasonable Accommodations ordinance has been processed in accordance Government Code Section 65800, et. seq., and Section 17.280 of the Zoning Ordinance. With the approval and implementation of the proposed amendment, the City's General Plan and Zoning Ordinance will be in compliance with state law as prescribed in the 2013-2021 Housing Element.

## **SECTION 3. PLANNING COMMISSION ACTION.**

The Planning Commission hereby adopts PC Resolution No. 13-29 recommending City Council adoption of an Ordinance, attached hereto and incorporated herein by reference as Exhibit 1, approving Zoning Ordinance Amendment No. 13-05.

**PASSED, APPROVED AND ADOPTED** this 6th day of November 2013, by the following vote:

AYES.

NOES:

ABSENT:

ABSTAINED:

---

Stan Smith  
Planning Commission Chairman

**ATTEST:**

---

Matthew C. Bassi  
Planning Director/Minutes Secretary

**APPROVED AS TO FORM:**

---

Erica L. Vega, Assistant City Attorney

**EXHIBIT 1 – of ATTACHMENT G**

**Draft City Council Ordinance**

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, ADDING SECTION 17.295 TO THE CITY OF WILDOMAR MUNICIPAL CODE (TITLE 17 – ZONING) TO ADOPT A REASONABLE ACCOMMODATIONS ORDINANCE TO COMPLY WITH STATE LAW**

**WHEREAS**, on December 11, 2013 the City Council adopted and approved the 2013-2021 Housing Element for the City of Wildomar (“Housing Element”) and certified the EIR prepared for the Housing Element; and

**WHEREAS**, the Housing Element calls for certain amendments to be made to the City’s Zoning Ordinance to implement the programs and policies contained in the Housing Element; and

**WHEREAS**, this Ordinance amends the Zoning Ordinance to implement the Housing Element; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on this Ordinance at its November 6, 2013 meeting and voted to recommend the City Council adopt this Ordinance; and

**WHEREAS**, the City Council held a duly noticed public hearing on this Ordinance at its December 11, 2013 meeting; and

**WHEREAS**, the adoption of this Ordinance is covered by the EIR prepared for the Housing Element and certified by the City Council on December 11, 2013, because this Ordinance implements the programs and policies contained in the Housing Element.

**THE CITY COUNCIL OF THE CITY OF WILDOMAR ORDAINS AS FOLLOWS:**

**SECTION 1. AMENDMENT TO THE ZONING ORDINANCE**

A new Chapter 17.295 is hereby added to the Wildomar Municipal Code (TITLE 17 – Zoning) to read as follows:

- “17.295        Reasonable Accommodations**
  
- 17.295.010    Purpose.**
- 17.295.020    Review Authority.**
- 17.295.030    Application for Reasonable Accommodation.**
- 17.295.040    Decision.**
- 17.295.050    Findings.**
- 17.295.060    Expiration, Time Extension, Violation, Discontinuance & Revocation.**

### **Sec. 17.295.010 Purpose.**

This chapter provides a procedure to request a reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (together, the Acts) in the application of zoning laws and other land use regulations, policies, and procedures.

### **Sec. 17.295.020 Review Authority.**

The Director, or his or her designee, is designated to approve, conditionally approve, or deny all applications for reasonable accommodations, provided that the Director may decide to allow the Planning Commission to determine whether to approve, conditionally approve, or deny an application for a reasonable accommodation if the Director finds that the reasonable accommodation application involves significant controversy or extraordinary circumstances.

### **Sec. 17.295.030 Application for Reasonable Accommodation.**

- A. Eligibility. A request for reasonable accommodation may be made by any person with a disability, their representative, or any entity, when the application of a requirement of this Zoning Ordinance or other city requirement, policy, or practice acts as a barrier to fair housing opportunities for a disabled person. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment. This section is intended to apply to those persons who are defined as disabled under the Acts.
- B. Permissible Accommodations. A request for reasonable accommodation may include a modification or exception to the substantive and/or procedural rules, standards, and practices for the siting, development, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.
- C. No Variance. A reasonable accommodation may be granted in compliance with this section without the need for the approval of a variance.
- D. Application. An application for a reasonable accommodation shall be made on a form provided by the Planning Department. No fee shall be required for an application for reasonable accommodation. In addition to materials required under other applicable provisions of the Wildomar Municipal Code, an application for reasonable accommodation shall include the following:
  - 1. Documentation that the applicant is: (i) disabled; (ii) applying on behalf of one or more disabled persons; or (iii) a developer or provider of housing for one or more disabled persons;
  - 2. The specific exception or modification to the Zoning Ordinance provision, policy, or practices requested by the applicant;
  - 3. Documentation that the specific exception or modification requested by the applicant is necessary to provide one or more disabled persons an equal opportunity to use and enjoy the residence;
  - 4. Any other information that the director reasonably concludes is necessary to determine whether the findings required by Section 17.295.050(a) can be made, so

long as any request for information regarding the disabled person benefited complies with the protections provided by the Acts and the privacy rights of the individuals affected.

- E. Other Discretionary Approvals. If the request for reasonable accommodation is made with another discretionary permit or approval, then the applicant may file the request for reasonable accommodation together with the application for the other discretionary permit or approval, and may elect to have the reasonable accommodation request processed and decided simultaneously with the application for the other discretionary permit. In such cases, the procedures applicable to the other discretionary permit shall govern the processing of the reasonable accommodation request. If the project requires another discretionary permit, then the prescribed fee shall be paid for all other discretionary permits.

#### **Sec. 17.295.040 Decision.**

- A. Director Decisions. The director shall mail his or her written determination to approve, conditionally approve, or deny a request for a reasonable accommodation to the applicant within thirty (30) days of the receipt of a complete application a reasonable accommodation.
- B. Commission and Council Decisions. A written determination on whether to approve, conditionally approve, or deny the request for reasonable accommodation shall be made by the body. For decisions associated with other discretionary approvals, the decision shall be issued at the same time and in the same manner as the decisions on the other discretionary approvals are issued. If there are no associated discretionary approvals, the body shall issue a decision on the reasonable accommodation within thirty (30) days of the reasonable accommodation being first placed on the body's agenda for consideration.
- C. Appeals. Any director decision may be appealed to the Planning Commission. A Planning Commission decision may be appealed to the City Council. Appeals must be filed within fourteen (14) days of the decision. Decisions by the City Council are final and not appealable.

#### **Sec. 17.295.050 Findings.**

- A. Findings. The written decision to approve, conditionally approve, or deny a request for a reasonable accommodation shall be based on the following findings, all of which are required for approval or conditional approval of a reasonable accommodation:
  1. The requested accommodation is requested by or on the behalf of one or more disabled persons protected under the Acts.
  2. The requested accommodation is necessary to provide one or more disabled persons an equal opportunity to use and enjoy a dwelling.
  3. The requested accommodation will not impose an undue financial or administrative burden on the City as "undue financial or administrative burden" is defined in Acts.

4. The requested accommodation will not result in a fundamental alteration in the nature of the City's zoning program, as "fundamental alteration" is defined in the Acts.
  5. The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.
- B. Alternative Accommodations. In making findings, the decision maker may approve alternative reasonable accommodations which provide an equivalent level of benefit to the applicant.
- C. Factors – Equal Opportunity. The City may consider, but is not limited to, the following factors in determining whether the requested accommodation is necessary to provide a disabled person an equal opportunity to use and enjoy a dwelling:
1. Whether the requested accommodation will affirmatively enhance the quality of life of one or more disabled persons;
  2. Whether a disabled person will be denied an equal opportunity to enjoy the housing type of their choice absent the accommodation;
  3. In the case of a group home, whether the requested accommodation is necessary to make facilities of a similar nature or operation economically viable in light of the particularities of the relevant market and market participants;
  4. In the case of a group home, whether the existing supply of facilities of a similar nature and operation in the community is sufficient to provide disabled persons and equal opportunity to live in a residential setting.
- D. Factors – Fundamental Alteration. The City may consider, but is not limited to, the following factors in determining whether the requested accommodation would require a fundamental alteration in the nature of the City's zoning program:
1. Whether the requested accommodation would fundamentally alter the character of the neighborhood;
  2. Whether the accommodation would result in a substantial increase in traffic or insufficient parking;
  3. Whether granting the requested accommodation would substantially undermine any express purpose of either the City's General Plan or an applicable specific plan;
  4. In the case of a group home, whether the requested accommodation would create an institutionalized environment due to the number of and distance between facilities that are similar in nature or operation.
- E. Conditions of Approval. In granting a request for reasonable accommodation, the approving authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings.
- F. Rules While Decision is Pending. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

- G. Effective Date. No reasonable accommodation shall become effective until the decision to grant such accommodation has become final by reason of the expiration of time to make an appeal. In the event an appeal is filed, the reasonable accommodation shall not become effective unless and until a decision is made on such appeal and becomes final.

**Sec. 17.295.060 Expiration, Time Extension, Violation, Discontinuance and Revocation.**

- A. Expiration. Any reasonable accommodation approved in accordance with the terms of this Division shall expire within twenty-four months from the effective date of approval or at an alternative time specified as a condition of approval unless:
1. A building permit has been issued and construction has commenced;
  2. A certificate of occupancy has been issued;
  3. The use is established; or
  4. A time extension has been granted.
- B. Time Extension. The director may approve a time extension for a reasonable accommodation for good cause for a period or periods not to exceed one year. An application for a time extension shall be made in writing to the director no less than thirty days or more than ninety days prior to the expiration date.
1. Notice of the Director's decision on a time extension shall be provided in the same manner as the notice provided for in 17.295.040(a). All written decisions shall give notice of the right to appeal and to request a reasonable accommodation in the appeals process.
  2. A time extension for a reasonable accommodation shall be final unless appealed within fourteen calendar days of the date of mailing of the determination. An appeal shall be made in writing and shall be noticed and heard pursuant to the procedures established in this Chapter.
- C. Violation of Terms. Any reasonable accommodation approved in accordance with the provisions of this chapter may be revoked if any of the conditions or terms of such reasonable accommodation are violated, or if any law or ordinance is violated in connection therewith. Procedures for revocation shall be as prescribed by Section 17.220 *et seq.*, of this Code.
- D. Discontinuance. A reasonable accommodation shall lapse if the exercise of rights granted by it is discontinued for one hundred eighty consecutive days. If the persons initially occupying a residence vacate, the reasonable accommodation shall remain in effect only if the director determines that: (1) the modification is physically integrated into the residential structure and cannot easily be removed or altered to comply with the Code, and (2) the accommodation is necessary to give another disabled person an equal opportunity to enjoy the dwelling. The director may request the applicant or his or her successor in interest to the property to provide documentation that subsequent occupants are disabled persons. Failure to provide such documentation within ten (10) days of the date of a request by the City shall constitute grounds for discontinuance by the City of a previously approved reasonable accommodation.

- E. Modifications to Approved Permits. A reasonable accommodation may be modified. Procedures for modification shall be as prescribed by Section 17.228 *et seq.*, of this Code.”

**SECTION 2. 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 will 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 3. EFFECTIVE DATE.**

This ordinance shall take effect thirty (30) days after its passage by the City Council.

**SECTION 4. PUBLICATION.**

The city clerk is directed to certify the adoption of this ordinance and cause it to be published in the manner required by law.

**SECTION 5. 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 11th day of December, 2013.

\_\_\_\_\_  
Timothy Walker  
Mayor

**APPROVED AS TO FORM:**

**ATTEST:**

\_\_\_\_\_  
Thomas D. Jex  
City Attorney

\_\_\_\_\_  
Debbie A. Lee, CMC  
City Clerk

STATE OF CALIFORNIA            )  
COUNTY OF RIVERSIDE        )  
CITY OF WILDOMAR            )

I, Debbie Lee, City Clerk of the City of Wildomar, do hereby certify that the foregoing Ordinance No. \_\_\_ was duly adopted by the City Council of the City of Wildomar at a regular meeting, held on the 11th day of December, 2013, by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

Debbie Lee, City Clerk

# **ATTACHMENT H**

**PC Resolution No. 13-30  
Zoning Ordinance Amendment No. 13-06**

**PC RESOLUTION NO. 13-30**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA RECOMMENDING CITY COUNCIL APPROVAL OF ZONING ORDINANCE AMENDMENT NO. 13-06 TO AMEND TITLE 17 OF THE ZONING ORDINANCE TO ADOPT A MIXED USE OVERLAY ZONE TO COMPLY WITH IMPLEMENTATION OF THE 2013-2021 HOUSING ELEMENT PROGRAMS**

**WHEREAS**, the Planning Department has processed the 2013-2021 Housing Element Update project consisting of the following actions/applications:

- 1) Zoning Ordinance Amendment No. 13-06: A proposal to amend Title 17 of the Zoning Ordinance to adopt a “Mixed Use Overlay Zone” to comply with implementation of the 2013-2021 Housing Element programs.

**WHEREAS**, the Planning Commission of the City of Wildomar, California, has the authority and has reviewed the proposed Zoning Ordinance Amendment in accordance with the California Government Code, Sections 65853 - 65857 and Title 17 of the City of Wildomar Municipal Code; and

**WHEREAS**, the proposed Zoning Ordinance Amendment 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 Zoning Ordinance Amendment 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 § 21082.2(d); and,

**WHEREAS**, the City circulated a Notice of Preparation (NOP) of the Draft EIR beginning May 2, 2013 and concluding on June 3, 2013; and

**WHEREAS**, the City conducted a public scoping meeting concerning the proposed project on May 20, 2013; and

**WHEREAS**, upon completion of the Draft EIR, the City provided Notice of Completion (NOC) to the State Office of Planning and Research on August 15, 2013, as required under CEQA Guidelines § 15085; and

**WHEREAS**, on August 15, 2013, the City published Notice of Availability in “The Press Enterprise” (a local newspaper of general circulation), and gave notice to the Riverside County Clerk, and all interested parties requesting said notice regarding the preparation and review of a draft environmental impact report (SCH# 2013051001) for the proposed Housing Element Update project, and was posted in two places for review at 1) Wildomar City Hall, 2) Wildomar Mission Trail Library, and on the City of Wildomar website; and

**WHEREAS**, the Draft EIR was circulated to the public, responsible agencies and other interested parties as required by CEQA Guidelines § 15087 for a period of 45 days commencing

on August 15, 2013 and concluding on September 30, 2013 in accordance with CEQA Guidelines § 15105(a); and

**WHEREAS**, before the close of the public comment period the City received four (4) comments (one comment letter was a duplicate) on the Draft EIR; and

**WHEREAS**, the Draft EIR consists of the following documents included as Exhibits to PC Resolution No. 13-23: Draft Environmental Impact Report (State Clearinghouse Number 2013051001); Exhibit 2: Final Environmental Impact Report; Exhibit 3: Draft Environmental Impact Report Findings of Fact; and Exhibit 4: Mitigation Monitoring and Reporting Program; and

**WHEREAS**, the EIR, as authorized under CEQA Guidelines § 15150, incorporates by reference the City of Wildomar General Plan, Zoning Ordinance, and the Final EIR prepared for the project; and

**WHEREAS**, in accordance with Government Code Sections 65090, 65091, 65092 and 65853 – 65857, the City of Wildomar Planning Department, on October 23, 2013, mailed a public hearing notice to all property owners affected by the Housing Element Update project notifying said property owners of the date and time of the public hearing for Zoning Ordinance Amendment No. 13-05 that would be considered by the City of Wildomar Planning Commission; and

**WHEREAS**, in accordance with Government Code Sections 65090, 65091, 65092 and 65853 – 65857, the City of Wildomar Planning Department, on October 25, 2013, published a legal notice in “The Press Enterprise,” a local newspaper of general circulation, in compliance with State law notifying the public of the holding of a public hearing for Zoning Ordinance Amendment No. 13-05 that would be considered by the City of Wildomar Planning Commission; and

**WHEREAS**, in accordance with Government Code Section 65090, 65091, 65092 and 65853 – 65857, the City of Wildomar Planning Commission conducted the duly noticed public hearing on November 6, 2013, at which time interested persons had an opportunity to testify in support of, or opposition to the proposed Zoning Ordinance Amendment and at which time the Planning Commission received public testimony concerning Zoning Ordinance Amendment No. 13-05.

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

#### **SECTION 1.     CEQA.**

The approval of Zoning Ordinance Amendment No. 13-06 is in compliance with requirements of the California Environmental Quality Act (“CEQA”), in that on November 6, 2013, at a duly noticed public hearing, the Planning Commission recommended approval and certification of an Environmental Impact Report 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. ZONING ORDINANCE AMENDMENT FINDINGS.**

In accordance with the provisions of the Wildomar Zoning Ordinance, the following finding is offered for Planning Commission consideration in recommending approval of Zoning Ordinance Amendment No. 13-06 to the City Council.

- A. The proposed amendment is consistent with the City of Wildomar General Plan and Zoning Ordinance.

The proposed amendment to adopt a Mixed Use Overlay District as outlined in ZOA No. 13-06 is consistent with the City of Wildomar General Plan in that the proposed amendment will implement the policies and programs of the 2013-2021 Housing Element requiring such amendment. In addition, the Mixed Use Overlay District has been processed in accordance Government Code Section 65800, et. seq., and Section 17.280 of the Zoning Ordinance. With the approval and implementation of the proposed amendment, the City's General Plan and Zoning Ordinance will be in compliance with state law as prescribed in the 2013-2021 Housing Element.

**SECTION 3. PLANNING COMMISSION ACTION.**

The Planning Commission hereby adopts PC Resolution No. 13-30 recommending City Council adoption of an Ordinance, attached hereto and incorporated herein by reference as Exhibit 1, approving Zoning Ordinance Amendment No. 13-06.

**PASSED, APPROVED AND ADOPTED** this 6th day of November 2013, by the following vote:

AYES.

NOES:

ABSENT:

ABSTAINED:

---

Stan Smith  
Planning Commission Chairman

**ATTEST:**

---

Matthew C. Bassi  
Planning Director/Minutes Secretary

**APPROVED AS TO FORM:**

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Erica L. Vega, Assistant City Attorney

**EXHIBIT 1 – of ATTACHMENT H**

**Draft City Council Ordinance**

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, AMENDING CHAPTER 17 OF THE WILDOMAR MUNICIPAL CODE TO IMPLEMENT THE 2013-2021 WILDOMAR HOUSING ELEMENT BY ADDING CHAPTER 17.305 (MIXED USE OVERLAY DISTRICT) TO TITLE 17 (ZONING)**

**WHEREAS**, on December 11, 2013, the City Council adopted and approved the 2013-2021 Housing Element for the City of Wildomar (“Housing Element”) and certified the EIR prepared for the Housing Element; and,

**WHEREAS**, the Housing Element calls for certain amendments to be made to the City’s Zoning Ordinance to implement the programs and policies contained in the Housing Element; and,

**WHEREAS**, this Ordinance amends the Zoning Ordinance to implement the Housing Element; and,

**WHEREAS**, the Planning Commission held a duly noticed public hearing on this Ordinance at its November 6, 2013 meeting and voted to recommend the City Council adopt this Ordinance; and,

**WHEREAS**, the City Council held a duly noticed public hearing on this Ordinance at its December 11, 2013 meeting; and,

**WHEREAS**, the adoption of this Ordinance is covered by the EIR prepared for the Housing Element and certified by the City Council on December 11, 2013, because this Ordinance implements the programs and policies contained in the Housing Element.

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

**SECTION 1. AMENDMENT TO THE ZONING ORDINANCE**

A new Chapter 17.305 is hereby added to the Wildomar Municipal Code (TITLE 17 – Zoning) to read as follows:

- “17.305       Mixed Use Overlay District**
  
- 17.305.010   Purpose.**
- 17.305.020   Application for Mixed Use Development**
- 17.305.030   Development Standards**

**Sec. 17.305.010 Purpose.**

This chapter provides a procedure to implement the Mixed Use Planning Area (MUPA) land use designation of the City of Wildomar General Plan. The intent of the Mixed Use Overlay District is to allow and encourage commercial and professional office uses to be located with multi-family residential development ("Mixed Use Development"). The residential component of a Mixed Use Development must be at a density of at least 30 units per acre consistent with the MUPA General Plan land use designation provisions.

**Sec. 17.305.020 Application for Mixed Use Development.**

- A. An application for a Mixed Use Development on property within the Mixed Use Overlay Zone under this chapter may be made by any property owner or their representative in a format established by the City.
- B. A Mixed Use Development project under this chapter requires the processing and approval of a Plot Plan consistent with the procedures and requirements of Chapter 17.216 of the Zoning Ordinance.

**Sec. 17.305.030 Development Standards.**

- A. A Mixed Use Development must devote at least thirty (30) percent of the property to be developed for multi-family residential uses.
- B. A Mixed Use Development must have a minimum density of at least 30 dwelling units per acre as required in the MUPA land use designation of the General Plan.
- C. The multi-family residential component of a Mixed Use Development shall adhere to the development standards stated in Chapter 17.60 (Planned Residential Zone) of the Zoning Ordinance.
- D. The commercial retail and/or professional office component of a Mixed Use Development shall adhere to the allowed uses and development standards stated in Chapter 17.72 (C-1/C-P General Commercial Zone) of the Zoning Ordinance.
- E. Notwithstanding paragraphs B and C of this section, the development standards stated in Chapters 17.60 (Planned Residential Zone) and 17.72 (C-1/C-P General Commercial Zone) of the Zoning Ordinance may be waived or modified as part of the Plot Plan process if it is determined that the standard is inappropriate for the proposed use, and that a waiver or modification of the standard will not be contrary to the public health and safety."
- F. If any use proposed as part of a Mixed Use Development requires an application other than a Plot Plan, then said use shall be processed in accordance with requirements of Chapters 17.60 (Planned Residential Zone) and 17.72 (C-1/C-P General Commercial Zone) of the Zoning Ordinance.

**SECTION 2. 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 will 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 3. EFFECTIVE DATE.**

This ordinance shall take effect thirty (30) days after its passage by the City Council.

**SECTION 4. PUBLICATION.**

The city clerk is directed to certify the adoption of this ordinance and cause it to be published in the manner required by law.

**SECTION 5. 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 11th day of December, 2013.

\_\_\_\_\_  
Timothy Walker  
Mayor

**APPROVED AS TO FORM:**

**ATTEST:**

\_\_\_\_\_  
Thomas D. Jex  
City Attorney

\_\_\_\_\_  
Debbie A. Lee, CMC  
City Clerk

STATE OF CALIFORNIA            )  
COUNTY OF RIVERSIDE        )  
CITY OF WILDOMAR            )

I, Debbie Lee, City Clerk of the City of Wildomar, do hereby certify that the foregoing Ordinance No. \_\_\_ was duly adopted by the City Council of the City of Wildomar at a regular meeting, held on the 11th day of December, 2013, by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Debbie Lee, City Clerk

# **ATTACHMENT I**

**HCD Conditional/Approval Compliance Letter (dated August 22, 2103)**

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500  
Sacramento, CA 95833  
(916) 263-2911 / FAX (916) 263-7453  
www.hcd.ca.gov



August 22, 2013

Mr. Matthew C. Bassi, Director  
Community Development Department  
City of Wildomar  
23873 Clinton Keith Rd, Suite 201  
Wildomar, CA 92595

RECEIVED  
AUG 26 2013  
CITY OF WILDOMAR

Dear Mr. Bassi:

**RE: City of Wildomar's 5<sup>th</sup> Cycle (2013-2021) Draft Housing Element Update**

Thank you for submitting the City of Wildomar's draft housing element received for review on June 27, 2013, along with additional revisions received August 19, 20 and 21, 2013. Pursuant to Government Code (GC) Section 65585(b), the Department is reporting the results of its review. Various communications, with Ms. Jennifer Gastelum of PMC, the City's consultant, facilitated the review.

The draft element addresses statutory requirements and will comply with State housing element law (Article 10.6 of the Government Code) when adopted and submitted to the Department, pursuant to Government Code Section 65585(g).

To remain on an eight year planning cycle, pursuant to Senate Bill 375 (Chapter 728, Statutes of 2008) the City must adopt its housing element within 120 calendar days from the statutory due date of October 15, 2013 for Southern California Association of Governments (SCAG) localities. If adopted after this date, the City will be required to revise the housing element every four years until adopting at least two consecutive revisions by the statutory deadline (GC Section 65588(e)(4)). For information on housing element adoption requirements, visit our website at: [http://www.hcd.ca.gov/hpd/hrc/plan/he/he\\_review\\_adoptionsteps110812.pdf](http://www.hcd.ca.gov/hpd/hrc/plan/he/he_review_adoptionsteps110812.pdf).

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City must continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate.

The Department appreciates the hard work and dedication provided by the City's consultants in updating the housing element and looks forward to receiving Wildomar's adopted housing element. If you have any questions or need additional technical assistance, please contact Mario Angel, of our staff, at (916) 263-7442.

Sincerely,

A handwritten signature in blue ink that reads "Glen A. Campora".

Glen A. Campora  
Assistant Deputy Director

# **ATTACHMENT J**

## **HCD comments on the Draft Housing Element**

HCD CORRESPONDENCE WITH PMC REGARDING THE  
WILDOMAR HOUSING ELEMENT UPDATE

*Due 9/30*

*1st Correspondence*

**Matthew Bassi**

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**From:** Jennifer Gastelum <jgastelum@PMCWorld.com>  
**Sent:** Wednesday, September 18, 2013 10:13 AM  
**To:** Matthew Bassi  
**Subject:** FW: Wildomar notes

Hi Matt,  
This is the email we received from HCD with requested revisions to the draft Housing Element.

---

**From:** McDougall, Paul@HCD [<mailto:Paul.McDougall@hcd.ca.gov>]  
**Sent:** Friday, August 09, 2013 3:56 PM  
**To:** Jennifer Gastelum  
**Cc:** Angel, Mario@HCD  
**Subject:** FW: Wildomar notes

Here are a few things to address on Wildomar:

- If not pre-approved SCAG data, on overpayment, clarify total households for Table HNA-9 (page HNA-10), percentages are contained in the table but can't determine quantity of households overpaying. We could not verify the 2008-2010 ACS
- Clarify whether sites are vacant or non-vacant and if non-vacant, add analysis
- Mention the disadvantaged communities and Flooding update
- Program H-1.1:
  - o Add minimum mixed use acreage
  - o Meet the 50% residential only requirement (check numbers and adjust as necessary)
- Program H-2.1
  - o Add dates
- Program H-16.2
  - o Revise with all zones allowing residential only
- Program H-21.1
  - o Wider dissemination
- General: Add Developmental Disability Program

If you have any questions, contact Mario.

-- \*\*\*\*\* This email and any files attached are intended solely for the use of the individual or entity to which they are addressed. If you have received this email in error, please notify the sender immediately. This email and the attachments have been electronically scanned for email content security threats, including but not limited to viruses.

**Matthew Bassi**

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**From:** Jennifer Gastelum <jgastelum@PMCWorld.com>  
**Sent:** Wednesday, September 18, 2013 10:14 AM  
**To:** Matthew Bassi  
**Subject:** FW: Wildomar Edits

Hi Matt,  
Here is my 1st response to HCD.

---

**From:** Jennifer Gastelum  
**Sent:** Tuesday, August 20, 2013 12:22 PM  
**To:** McDougall, Paul@HCD; [mario.angel@hcd.ca.gov](mailto:mario.angel@hcd.ca.gov)  
**Subject:** Wildomar Edits

Hi Paul and Mario,  
Attached are the updated files for the City of Wildomar with your requested revisions incorporated. Please review and let me know if you have any follow questions.  
Thanks  
Jenny

## The Files

- [Wildomar-Housing-Element\\_8-19-13.docx](#) - 2.81 MB
- [Wildomar-Housing-Needs-Assessment\\_8.19.13.docx](#) - 3.95 MB

### Jennifer Gastelum

**PMC** | Housing and Community Development  
2729 Prospect Park Drive, Suite 220 | Rancho Cordova, CA 95670  
p: 916.361.8384 ext. 10258 | f: 866.828.6PMC | cell: 916.730.2841 | fax: 916.361.1574  
[jgastelum@pmcworld.com](mailto:jgastelum@pmcworld.com) | [www.pmcworld.com](http://www.pmcworld.com)

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- Program H-1.1:
  - o Add minimum mixed use acreage
  - o Meet the 50% residential only requirement (check numbers and adjust as necessary) confirmed
- Program H-2.1
  - o Add dates updated
- Program H-16.2
  - o Revise with all zones allowing residential only updated

- Program H-21.1
  - o Wider dissemination updated
- General: Add Developmental Disability Program included

If you have any questions, contact Mario.

**From:** Jennifer Gastelum <jgastelum@PMCWorld.com>  
**Sent:** Wednesday, September 18, 2013 10:16 AM  
**To:** Matthew Bassi  
**Subject:** FW: Wildomar Edits

Here is the email from HCD with a follow up questions. This was addressed in my 2nd response to HCD.

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**From:** Angel, Mario@HCD [mailto:Mario.Angel@hcd.ca.gov]  
**Sent:** Tuesday, August 20, 2013 2:00 PM  
**To:** Jennifer Gastelum  
**Subject:** RE: Wildomar Edits

Jennifer our Housing Element Completeness Checklist Attachment 2, notes a reference to SB244:

SB 244 (Disadvantaged Communities) See Governor's Office of Planning and Research for technical assistance at [http://opr.ca.gov/docs/SB244\\_Technical\\_Advisory.pdf](http://opr.ca.gov/docs/SB244_Technical_Advisory.pdf)

Typically the element could include a statement as follows:

SB 244 requires cities and counties, prior to adoption of the Housing Element, to address the infrastructure needs of disadvantaged unincorporated communities outside the city's limits but within the city's planning area. Because the XXXX planning area does not contain any unincorporated areas, no such conditions exist.

## Requirements for Local Governments

SB 244 also includes requirements for cities and counties. On or before the next adoption of its housing element, GC Section 65302.10.(a) requires that each city and county review and update the land use element of its general plan, based on available data, including, but not limited to, the data and analysis developed pursuant to Section 56430, of unincorporated island, fringe, or legacy communities inside or near its boundaries. The updated land use element shall include the following criteria. Please note that these requirements and definitions are independent of the new requirements and definitions related to the Cortese-Knox-Hertzberg Act of 2000 described above.

- Cities must identify and describe each "island community" or "fringe community," as defined, that exist within that city's sphere of influence that is a disadvantaged unincorporated community. (GC Section 65302.10.(a))
- Counties must identify and describe each legacy community, as defined, within the boundaries of a county that is a disadvantaged unincorporated community, but not including any area within the sphere of influence of a city. (GC Section 65302.10.(a))
- Cities and counties must include an analysis of water, wastewater, stormwater drainage, and structural fire protection needs or deficiencies for each of the identified communities in the land use element. (GC Section 65302.10.(a))
- Cities and counties must include an analysis in the land use element of potential funding mechanisms that could make the extension of services and facilities to identified communities financially feasible. (GC Section 65302.10.(a))

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**From:** Jennifer Gastelum [<mailto:jgastelum@PMCWorld.com>]  
**Sent:** Tuesday, August 20, 2013 1:29 PM  
**To:** Angel, Mario@HCD  
**Subject:** RE: Wildomar Edits

Hi Mario,

Can you clarify what you need me to include for that? I was under the impression that the SB244 requirement was separate from the Housing Element.

Thanks

**Jennifer Gastelum**

PMC | Housing and Community Development  
2729 Prospect Park Drive, Suite 220 | Rancho Cordova, CA 95670  
p: 916.361.8384 ext. 10258 | f: 866.828.6PMC | cell: 916.730.2841 | fax: 916.361.1574  
[jgastelum@pmcworld.com](mailto:jgastelum@pmcworld.com) | [www.pmcworld.com](http://www.pmcworld.com)

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**From:** Angel, Mario@HCD [<mailto:Mario.Angel@hcd.ca.gov>]  
**Sent:** Tuesday, August 20, 2013 1:12 PM  
**To:** Jennifer Gastelum  
**Subject:** RE: Wildomar Edits

Thank you Jennifer, can you please tell me where the revisions to address “the disadvantaged communities and Flooding update.” I looked and searched both documents and didn’t find where this was noted in either document.

---

**From:** Jennifer Gastelum [<mailto:jgastelum@PMCWorld.com>]  
**Sent:** Tuesday, August 20, 2013 12:22 PM  
**To:** McDougall, Paul@HCD; Angel, Mario@HCD  
**Subject:** Wildomar Edits

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**Matthew Bassi**

*4th & final Correspondence*

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**From:** Jennifer Gastelum <jgastelum@PMCWorld.com>  
**Sent:** Wednesday, September 18, 2013 10:15 AM  
**To:** Matthew Bassi  
**Subject:** FW: Wildomar Updated Housing Element

Hi Matt,  
Here is my 2nd and final reponse to HCD.

---

**From:** Jennifer Gastelum  
**Sent:** Tuesday, August 20, 2013 3:53 PM  
**To:** Angel, Mario@HCD  
**Subject:** Wildomar Updated Housing Element

Hi Mario,

The SB244 information has now been incorporated to the very end of the document.

Thanks,  
Jenny

## The Files

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### Jennifer Gastelum

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2729 Prospect Park Drive, Suite 220 | Rancho Cordova, CA 95670  
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[jgastelum@pmcworld.com](mailto:jgastelum@pmcworld.com) | [www.pmcworld.com](http://www.pmcworld.com)

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**From:** [jgastelum@pmcworld.com](mailto:jgastelum@pmcworld.com) [<mailto:jgastelum@pmcworld.com>]  
**Sent:** Tuesday, August 20, 2013 3:52 PM  
**To:** Jennifer Gastelum  
**Subject:**

Need to send files to PMC? <http://sendfiles.pmcworld.com/>

**Note:** These files will be deleted on Tuesday, September 3, 2013