

RESOLUTION NO. 2023-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION (ER 2021-05) (SCH NO. 2022090133) FOR PLANNING APPLICATION NO. 2021-34 (TENTATIVE PARCEL MAP NOS. 38195 AND 38281, CONDITIONAL USE PERMIT NOS. 2021-09, 2021-10, 2021-11, AND 2021-12, COMMERCIAL DESIGN REVIEW NO. 2021-17, PUBLIC CONVENIENCE AND NECESSITY NOS. 2021-01 AND 2021-02, AND UNIFORM SIGN PROGRAM NO. 2021-35)

Whereas, Karen Levitt Ortiz, Evergreen Devco, Inc. has filed an application with the City of Lake Elsinore (City) requesting approval of *Planning Application No. 2021-34* which includes the construction of a 57,254 square foot (SF) commercial center that consists of an anchor grocery store, two quick-serve drive-through restaurants, a gas station with a convenience store, and a separate drive-through car wash with 369 parking spaces, which would be constructed in two phases over a total of 8.863 gross acres (Project). *Tentative Parcel Map No. 38195* would include a subdivision of the 8.863 gross acre site into four (4) lots ranging in size from 1.10 to 4.62 gross acres and *Tentative Parcel Map No. 38281* would include a subdivision of the 8.863 gross acre site into five (5) lots ranging in size from 1.03 to 3.59 gross acres. *Conditional Use Permit No. 2021-09* would establish a 4,116 SF Car Wash on Lot 1, *Conditional Use Permit No. 2021-10* would establish a 3,000 SF Quick-service Restaurant with a drive-through lane on Lot 2, *Conditional Use Permit No. 2021-11* and *Public Convenience & Necessity No. 2021-01* would establish a gas station and the 4,088 SF convenience store with concurrent sale of beer and wine for off-site consumption (Type 20 ABC) on Lot 3, *Public Convenience & Necessity No. 2021-02* includes a PCN finding for the 43,050 SF grocery store for the sale of beer, wine, and distilled spirits for off-site consumption (Type 21 and 86 ABC) on Lot 4, and *Conditional Use Permit No. 2021-12* would establish a the 3,000 SF Quick-service Restaurant with a drive-through lane on Lot 5. *Commercial Design Review No. 2021-17* provides a comprehensive design review for the entire Project site that includes architectural elevations, on-site stormwater management improvements, lighting, walls and fencing, parking and landscaping. *Uniform Sign Program (SIGN) No. 2021-35* proposes to establish a uniform sign program that creates an integrated framework for all the signage within the center; and,

Whereas, the Project is located on Central Avenue/State Route 74 (SR-74) east of the intersection with Cambern Avenue (APNs: 377-020-014, 377-020-016, 377-020-017, 377-020-018, and 377-020-019); and,

Whereas, the Project is subject to the provisions of the California Environmental Quality Act (Public Resources Code §§ 21000, et seq.: "CEQA") and the State Implementation Guidelines for CEQA (14 California Code of Regulations Sections 15000, et seq.: "CEQA Guidelines") because the Project involves an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and involves the issuance of a lease, permit license, certificate, or other entitlement for use by one or more public agencies (Public Resources Code Section 21065); and,

Whereas, pursuant to CEQA Guidelines Section 15063, the City conducted an Initial Study to determine if the Project would have a significant effect on the environment. The Initial Study revealed that the Project would have potentially significant environmental impacts but those potentially significant impacts could be mitigated to less than significant levels; and,

Whereas, based upon the results of the Initial Study (Environmental Review No. 2021-05), and based upon the standards set forth in CEQA Guidelines Section 15070, it was determined that it was appropriate to prepare and circulate a Mitigated Negative Declaration (MND) for the Project; and,

Whereas, pursuant to CEQA Guidelines Section 15072, on September 12, 2022, the City duly issued a notice of intent to adopt the MND; and,

Whereas, in accordance with CEQA Guidelines Section 15073, the MND was made available for public review and comment for a minimum of 30 days beginning September 12, 2022, and ending on October 12, 2022; and,

Whereas, a Mitigation Monitoring and Reporting Program (MMRP) for the Project has been prepared in accordance with Section 21081.6 of CEQA; and,

Whereas, the Planning Commission (Commission) has been delegated with the responsibility of making recommendations to the City Council (Council) for adopting MNDs; and,

Whereas, the MND was sent to the Commission members on or about November 19, 2021 and considered by the Commission on October 18, 2022, November 15, 2022, and April 4, 2023, at a duly noticed Public Hearing and, after consideration of evidence presented by the Community Development Department and other interested parties on the adequacy of the MND, the Commission adopted a resolution recommending that the Council adopt the MND for the Project; and,

Whereas, on April 25, 2023, at a duly noticed Public Hearing, the Council has considered the recommendation of the Commission as well as evidence presented by the Community Development Department and other interested parties with respect to this item.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1: The foregoing recitals are true and correct and are hereby incorporated into these findings by this reference.

Section 2: The Council has evaluated all comments, written and oral, received from persons who have reviewed the MND. The Council hereby finds and determines that all public comments have been addressed.

Section 3: The Council hereby finds that the MND for the Project is adequate and has been completed in accordance with the CEQA Guidelines and the City's procedures for implementation of CEQA. The Council has reviewed and considered the information contained in the MND and finds that the MND represents the independent judgment of the City.

Section 4: The Council further finds and determines that none of the circumstances listed in CEQA Guidelines Section 15073.5 requiring recirculation of the MND are present and that it would be appropriate adopt the MND as proposed.

Section 5: The Council hereby makes, adopts, and incorporates the following findings regarding the potential environmental impacts of the Project and the analysis and conclusions set forth in the MND:

1. Revisions in the Project plans or proposals made by or agreed to by the applicant before a Mitigated Negative Declaration and Initial Study was released for public review and mitigation measures set forth in the Initial Study would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur.

Based upon the Initial Study conducted for the Project, there is substantial evidence suggesting that all potential impacts to the environment resulting from the Project can be mitigated to less than significant levels. All appropriate and feasible mitigation has been incorporated into the Project design. The Mitigation Monitoring and Reporting Plan contains an implementation program for each mitigation measure. After implementation of the mitigation contained in the MMRP, potential environmental impacts are effectively reduced to less than significant levels.

2. There is no substantial evidence, in the light of the whole record before the agency including the initial study and any comments received, that there is no substantial evidence that the Project will have significant effect on the environment.

Pursuant to the evidence received, including comment letters, and in the light of the whole record presented, the Project will not have a significant effect on the environment.

Section 6: Based upon the evidence presented, the above findings, and the conditions of approval imposed upon the Project, the Council hereby adopts MND (SCH NO. 2022090133) (ER 2021-05) and the MMRP, which is attached hereto as Exhibit "A," for Planning Application No. 2021-34 (Tentative Parcel Map (TPM) No. 38195, TPM No. 38281, a Conditional Use Permit (CUP) No. 2021-09, CUP No. 2021-10, CUP No. 2021-11, CUP No. 2021-12, a Commercial Design Review (CDR) No. 2021-17, Public Convenience & Necessity (PCN) No. 2021-01, PCN No. 2021-02, and Uniform Sign Program (SIGN) No. 2021-35).

Section 7: This Resolution shall take effect immediately upon its adoption.

Section 8: The City Clerk shall certify to the adoption of this Resolution and enter it into the book of original Resolutions.

Passed and Adopted on this 25th day of April, 2023.

Natasha Johnson
Mayor

Attest:

Candice Alvarez, MMC
City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF LAKE ELSINORE)

I, Candice Alvarez, MMC, City Clerk of the City of Lake Elsinore, California, do hereby certify that Resolution No. 2023-_____ was adopted by the City Council of the City of Lake Elsinore, California, at the regular meeting of April 25, 2023, and that the same was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Candice Alvarez, MMC
City Clerk