

RESOLUTION NO. 2017-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, APPROVING THE ADDENDUM TO THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE AMENDED AND RESTATED ALBERHILL VILLAGES SPECIFIC PLAN (SCH NO. 2012061046) AND RELATED DEVELOPMENT AGREEMENT

Whereas, On June 14, 2016, after public hearing and consideration of all written and oral staff reports, recommendation from the Planning Commission, comments and responses to comments to the Environmental Impact Report (hereinafter defined), public testimony and such other matters as are reflected in the record of the public hearing, the City Council of the City of Lake Elsinore approved the following which are collectively referred to herein as the "Project":

- (i) Resolution No. 2016-076 certifying the Final Environmental Impact Report (SCH No. 2012061046) for the Alberhill Villages Specific Plan No. 2010-02 (the "Final EIR"), General Plan Amendment No. 2012-01 and Zone Change No. 2012-02, Adopting Findings Pursuant to the California Environmental Quality Act, Adopting a Statement of Overriding Considerations, and Adopting a Mitigation Monitoring and Reporting Program,
- (ii) Resolution No. 2016-77 approving General Plan Amendment No. 2012-01 which amended the Lake Elsinore General Plan land use designation for the project site's to "Alberhill Villages Specific Plan" the property to "Alberhill Villages Specific Plan,"
- (iii) Ordinance No. 2016-1361, effective July 28, 2016, adopting the Alberhill Villages Specific Plan No. 2012 ("AVSP") and Zone Change 2012-02 which amended the project site's zoning from a mix of zoning designations to "Alberhill Villages Specific Plan";

Whereas, the Project consists of a 1,375-acre site located south of Interstate 15 and west of Lake Street and includes approximately 8,024 dwelling units; 3,810,300 square feet of non-residential uses including civic/institutional, commercial/retail, professional office/medical and entertainment uses; university or similar education institutional use; and supporting uses including schools, parks, places of religious assembly, open space and green belt paseos;

Whereas, following the June 14, 2016 adoption of the Project, the property owner, Pacific Clay Products, Inc. and the City engaged in discussions and have mutually proposed an Amended and Restated Alberhill Villages Specific Plan and related Development Agreement in an effort to eliminate certain ambiguities and provide clarification with respect to the implementation of the AVSP, refine the AVSP land use plan, and identify a financing mechanism for the Regional Sports Park;

Whereas, the requirements of the California Environmental Quality Act (Cal. Pub. Res. Code §§ 21000 *et seq.*: "CEQA") and the State Guidelines for Implementation of CEQA (title 14, Cal. Code Regs. §§ 15000 *et seq.*: the "CEQA Guidelines") are applicable to discretionary projects, which are defined in CEQA Guidelines Section 15357 as "a project which requires the exercise of judgment or deliberation when the public agency or body decides to approve or disapprove a particular activity, as distinguished from situations where the public agency or body merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations";

Whereas, Section 15164 (a) of the CEQA Guidelines provides that “The lead agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred”;

Whereas, CEQA Guidelines Section 15162(a) states that “When an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- (i) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (ii) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (iii) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative”;

Whereas, in accordance with the CEQA Guidelines, the City has prepared an Addendum to the Final EIR, attached hereto as Exhibit “A,” for the proposed Amended and Restated Alberhill Villages Specific Plan and the related Development Agreement (collectively, the Entitlements”);

Whereas, the Planning Commission has been delegated with the responsibility of making recommendations to the City Council for approving environmental documents and public notice of the Addendum to the Final EIR and the proposed Amended and Restated Alberhill Villages Specific Plan and related Development Agreement has been given; and

Whereas, on February 7, 2017, the Planning Commission considered evidence presented by the Community Development Department and other interested parties at a duly noticed public hearing held with respect to the Final EIR and Addendum thereto and by Resolution No. 2017-18 recommended that the City Council approve the Addendum to the Final Environmental Impact Report For The Amended And Restated Alberhill Villages Specific Plan (SCH No. 2012061046) and related Development Agreement.

Whereas, on February 14, 2017 the City Council conducted a duly noticed public hearing and considered all public oral and written testimony.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, 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 City Council has considered and evaluated the Addendum to the Final EIR prepared for the Entitlements with the previously certified Final EIR (<http://www.lake-elsinore.org/city-hall/city-departments/community-development/planning/ceqa-documents-available-for-public-review/alberhill-villages-specific-plan>). The City Council determines that the Addendum to the Final EIR was prepared in conformance with CEQA, reflects its independent judgment, and is the appropriate environmental document for the Entitlements based upon the following findings:

1. The Addendum to the Final EIR is complete, contains all required information, and has been completed in compliance with CEQA, utilizing criteria set forth in Section 15164 of the CEQA Guidelines.

2. The Entitlements do not introduce any new significant environmental effects, nor will they result in any new significant unavoidable project impacts beyond those previously identified in the Final EIR.

3. The Entitlements do not propose substantial changes to the project as analyzed under the Final EIR, that would require major revisions to the Final EIR due to new significant environmental effects or a substantial increase in the severity of previously identified significant environmental effects.

4. No new information of substantial importance exists, which was either unknown or could not have been known at the time that the Final EIR was certified, to show that the Entitlements will have significant effects that were not described in the Final EIR, that significant effects that were examined in the Final EIR will be more severe as a result of the Entitlement, that mitigation measures or alternatives previously found infeasible would in fact be feasible, or that new mitigation measures are necessary for the Entitlements.

5. The Addendum to the Final EIR is, therefore, the appropriate document because changes and modifications proposed by the Entitlements are necessary but do not trigger any of the conditions set forth in CEQA Guidelines Section 15162.

Section 3. The City Council finds that the Addendum to the Final EIR for the Entitlements is adequate and has been completed in compliance with CEQA, the State CEQA Guidelines, and local procedures adopted by the City pursuant thereto. The City Council has reviewed and considered the information contained in the Final EIR (<http://www.lake-elsinore.org/city-hall/city-departments/community-development/planning/ceqa-documents-available-for-public-review/alberhill-villages-specific-plan>) and the Addendum thereto and finds that they represent the independent judgment of the City.

Section 4. Based upon all of the evidence presented and the above findings, the City Council of the City of Lake Elsinore approves the Addendum along with the Final EIR for the Project.

Section 5. If any provision of this Resolution or its application is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, sections, or applications of the Resolution which can be given effect without the invalid provision or application, and to this end each phrase, section, sentence, or word is declared to be severable.

Section 6. This Resolution shall take effect from and after the date of its passage and adoption.

Passed and Adopted this 14th day of February, 2017.

Robert Magee, Mayor

Attest:

Susan Domen, MMC, City Clerk

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**STATE OF CALIFORNIA
COUNTY OF RIVERSIDE
CITY OF LAKE ELSINORE**

I, Susan Domen, MMC, City Clerk of the City of Lake Elsinore, California, do hereby certify that Resolution No. 2017-____ was adopted by the City Council of the City of Lake Elsinore, California at the Regular meeting of February 14, 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Susan Domen, MMC, City Clerk