

## RESOLUTION NO. 2017-\_\_

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, APPROVING OF MITIGATED NEGATIVE DECLARATION 2016-01 (SCH 2017021072) FOR PLANNING APPLICATION 2016-01 (COMMERCIAL DESIGN REVIEW NO. CDR 2016-01, CONDITIONAL USE PERMIT NO. CUP 2016-01, AND TENTATIVE TRACT MAP NO. 37284)**

**Whereas**, Peninsula Retail Partners submitted an application for several entitlements which include a Tentative Tract Map (TTM) for the of the subdivision of five (5) lots into four (8) lots and the reconfiguration of the adjacent right of way, Conditional Use Permit (CUP) and Commercial Design Review (CDR) applications for the development of 65,803 square feet of development consisting of a main building located on the southern portion of the site and four pad buildings, including one drive thru located along Central Avenue. The Project site is located on 7.25 acres generally located at the southeast corner of Central Avenue (State Highway 74) and Collier Avenue. The site contains two parcels, identified as Assessor's Parcel Numbers (APNs) 377-080-014, 031, 032, 033, and 034; 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, and based upon the standards set forth in CEQA Guidelines Section 15070, it was determined that it was appropriate to prepare and circulate Mitigated Negative Declaration (MND) No. 2016-01 for the Project MND; and,

**Whereas**, pursuant to CEQA Guidelines Section 15072, on February 17, 2017, 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 thirty days beginning on February 17, 2017, and ending on March 24, 2017; 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**, pursuant to LEMC Chapter 16.24 (Tentative Map), 17.186 (Conditional Use Permits), and 17.184 (Design Review) the Planning Commission (Commission) has been delegated with the responsibility of making recommendations to the City Council (City) pertaining to Design Review of residential Projects; and,

**Whereas**, on March 21, 2017, at a duly noticed Public Hearing the Commission considered evidence presented by the Community Development Department and other interested parties with respect to this item; and,

**Whereas**, pursuant to LEMC Chapter 16.24 (Tentative Map), 17.186 (Conditional Use Permits), and 17.184 (Design Review) the Council has the responsibility of making decisions to approve, modify or disapprove recommendations of the Commission for TTM, CUP, and Design Review applications; and,

**Whereas**, on March 28, 2017, at a duly noticed Public Hearing the Council considered 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 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 CEQA, the State CEQA Guidelines, and the City's procedures for implementation of CEQA; and recommends to the Council that it make the same finding. 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 to adopt the MND as proposed to the Council.

**Section 5.** The Council hereby makes, adopts, and incorporates the following findings regarding the lack of 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 MND 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 Mitigation Monitoring and Reporting Plan, 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 7.** Based upon the evidence presented, the above findings, and the attached Conditions of Approval, the City Council of the City of Lake Elsinore, adopts MND No. 2016-01 and the MMRP for CDR 2016-01, CUP 2016-01, and TTM 37284.

**Section 8.** This Resolution shall take effect from and after the date of its passage and adoption.

**Passed and Adopted** this 28<sup>th</sup> day of March 2017.

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Robert E. Magee, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

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Susan M. Domen, MMC  
City Clerk

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Barbara Leibold  
City Attorney

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

I, Susan M. 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 March 28, 2017, and that the same was adopted by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Susan M. Domen, MMC  
City Clerk