

RESOLUTION NO. 2018-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE TEMESCAL CANYON ROAD BRIDGE REPLACEMENT PROJECT (ER 2018-00001)

Whereas, the City of Lake Elsinore (City), in coordination with the California Department of Transportation (Caltrans), is proposing to construct a new bridge over Temescal Wash in the City of Lake Elsinore, California, which includes the segment of roadway from 200 feet north of the proposed bridge to connect to the existing 2-lane Temescal Canyon Road and the 4-lane, 375 foot long bridge and approximately 200 feet of the roadway, northwest of the bridge and 130 feet southeast of the bridge; 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 Initial Study/Mitigated Negative Declaration (IS/MND) (ER 2018-00001) for the Project; and,

Whereas, pursuant to CEQA Guidelines Section 15072, on March 8, 2018, the City duly issued a Notice of Availability and Intent to Adopt a MND; and,

Whereas, in accordance with CEQA Guidelines Section 15073, the IS/MND was made available for public review and comment for a minimum of thirty days beginning on March 9, 2018, and ending on April 9, 2018, and,

Whereas, pursuant to CEQA Guidelines Section 15073.5, on May 10, 2018 the City duly reissued a Notice of Availability and Intent to Adopt a MND because the IS/MND was substantially revised in response to comments; and,

Whereas, in accordance with CEQA Guidelines Section 15073, the Recirculated IS/MND was made available for public review and comment for a minimum of thirty days beginning on May 11, 2018, and ending on June 11, 2018, 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, on July 10, 2018, at a duly noticed public meeting, the City Council (Council) has 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 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 CEQA, the State 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 to adopt the MND as proposed to the Council.

Section 5: A MMRP for the Project has been prepared in accordance with Section 21081.6 of CEQA, and the Council hereby adopts the MMRP, which is attached hereto as Exhibit "A".

Section 6: 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 made by or agreed to by the City before the Initial Study/MND was released for public review and mitigation measures set forth in the Recirculated 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 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, and the above findings, the Council of the City of Lake Elsinore adopts a MND and the MMRP for the Temescal Canyon Road Bridge Replacement Project (ER 2018-00001).

Section 8: This Resolution shall take effect immediately upon its adoption.

Passed and Adopted on this 10th day of July, 2018.

Natasha Johnson, Mayor

Attest:

Susan M. Domen, MMC
City Clerk

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 2018- _____ was adopted by the City Council of the City of Lake Elsinore, California, at the Regular meeting of July 10, 2018, and that the same was adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Susan M. Domen, MMC
City Clerk