

RESOLUTION NO. 2019-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, CERTIFYING THE ENVIRONMENTAL IMPACT REPORT (ER 2018-03) (SCH NO. 2018051051) FOR PLANNING APPLICATION NO. 2017-29 (SPECIFIC PLAN NO. 2018-01, SPECIFIC PLAN AMENDMENT NO. 2017-03, GENERAL PLAN AMENDMENT NO. 2018-01, ZONE CHANGE NO. 2018-01, AND TENTATIVE TRACT MAP NO. 37305), ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM

Whereas, Eric Werner, Nichols Road Partners, LLC, has filed an application with the City of Lake Elsinore (City) requesting approval of Planning Application No. 2017-29 (Specific Plan No. 2018-01, Specific Plan Amendment No. 2017-03, General Plan Amendment No. 2018-01, Zone Change No. 2018-01, and Tentative Tract Map No. 37305) to establish the Nichols Ranch Specific Plan (NRSP) over the 72.5-acre property that includes 168 residential homes on approximately 31.1 acres; 14.5 acres of commercial uses (130-room hotel, 6,000 Square Foot (SF) fast-food restaurant with a drive-through, 5,500 SF fast-food restaurant without a drive-through, 9,400 SF sit-down restaurant, 4,400 SF commercial retail uses, an 8,000 SF health and fitness club, a gas station (with market and car wash) with 16 fueling stations, and 43,000 SF office uses); 8.3 acres of recreation uses; drainage basins on 5.5 acres; 1.3 acres of open space; and roadways on 5.3 acres; and,

Whereas, the Project is located in the northeastern portion of the City of Lake Elsinore, and is located east of the I-15, south of Nichols Road, and west of Wood Mesa Court/El Toro Road. The Project site encompasses Assessor Parcel Numbers (APNs) 389-200-038, 389-210-008, 389-210-032, 389-210-034, and 389-210-036; and,

Whereas, the City prepared a Draft Environmental Impact Report (EIR) (SCH No. 2018051051) on the Project pursuant to the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.: "CEQA"), the State Guidelines for Implementation of the California Environmental Quality Act (California Code of Regulations, Sections 15000 et seq.: the "State CEQA Guidelines"), and the City's Procedures for Implementing the State CEQA Guidelines and its other procedures relating to environmental evaluation of public and private projects; and,

Whereas, the City transmitted for filing a Notice of Preparation of the Draft EIR on May 24, 2018 in accordance with the CEQA Guidelines, for distribution to those agencies which have jurisdiction by law with respect to the Project and to other interested persons and agencies, and sought the comments of such persons and agencies; and,

Whereas, pursuant to CEQA Guidelines, Section 15082(c)(1), on June 14, 2018, the City held a duly noticed scoping meeting in order to facilitate consultation regarding the scope and content of the environmental information in the Draft EIR; and,

Whereas, the City transmitted for filing a Notice of Availability/Notice of Completion of a DEIR and in accordance with the State CEQA Guidelines forwarded the DEIR to the State Clearinghouse, for distribution to those agencies which have jurisdiction by law with respect to the Project, and to other interested persons and agencies, and sought the comments of such persons and agencies; and,

Whereas, the State Clearinghouse posted the DEIR for a 45-day public comment period which ran from March 19, 2019 to May 3, 2019; and,

Whereas, notice to all interested persons and agencies inviting comments on the Draft EIR was published in accordance with the provisions of CEQA and the State CEQA Guidelines and the Lake Elsinore Municipal Code and posted at the Office of the County Clerk of Riverside County on March 19, 2019. A total of six (6) comment letters and e-mails regarding the DEIR and the NRSP document were received during the 45-day public comment period. Responses to comments were prepared and have been provided in Subsection F.2.2 of the Draft Final EIR. Final responses were sent to the commenters at least 10 days prior to the City Council's consideration of the Final EIR. There were no public comments or changes to the text or analysis contained in the DEIR that resulted in the identification of any new significant environmental effect or a substantial increase in the severity of environmental effects that were disclosed in the DEIR. Only minor clarifications and amplifications were made to the DEIR in response to public comments, including revisions to more accurately characterize cultural resources and the Project's tribal consultation process. Therefore, in accordance with Section 15088.5 of the CEQA Guidelines a recirculation of the DEIR is not warranted; and,

Whereas, all actions required to be taken by applicable law related to the preparation, circulation, and review of the DEIR have been taken; and,

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

Whereas, the DEIR was sent to the Commission members on or about March 19, 2019, and was considered by the Commission on May 21, 2019 at a duly noticed Public Hearing and the Commission has considered evidence presented by the Community Development Department and other interested parties on the adequacy of the DEIR. The Commission adopted a resolution recommending that the Council certify the EIR for the Project; and,

Whereas, the City has prepared a Final EIR (FEIR) that contains responses to the comments that were received regarding the DEIR; and,

Whereas, on June 11, 2019, 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 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 considered and evaluated all written and oral staff reports and comments received from persons who have reviewed the Draft EIR, the comments submitted on the Draft EIR; the public testimony, and such other matters as are reflected in the record of the public hearing on the Project and the Draft EIR.

Section 3: The Council finds that the EIR for the Project 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 EIR and finds that the EIR represents the independent judgment of the City.

Section 4: The Council hereby makes, adopts, and incorporates herein as its “findings of fact” regarding the potential environmental impacts of the Project, the analysis and conclusions set forth in the EIR (including, without limitation, the mitigation measures therein set forth) and in the Environmental Findings and Statement of Overriding Considerations Regarding the Environmental Impact Report prepared for the proposed Nichols Ranch Specific Plan (NRSP) and the related Specific Plan Amendment, General Plan Amendment, Zone Change, and Tentative Tract Map (SCH No. 2018051051), attached hereto as Exhibit “A1”.

Section 5: A Mitigation Monitoring and Reporting Program (MMRP) for the Project has been prepared in accordance with Section 21081.6 of CEQA, and the City Council hereby adopts the MMRP, which is attached hereto as Exhibit “A2.”

Section 6: The City Council finds that for each of the significant impacts which are subject to a finding under CEQA Section 21081(a)(3), that each of the social, economic, and environmental benefits of the Project, independent of the other benefits, outweigh the potential significant unavoidable adverse impacts and render acceptable each and every one of the unavoidable adverse environmental impacts. Therefore, a Statement of Overriding Considerations has been prepared and is attached hereto as Exhibit “A1” (Environmental Findings and Statement of Overriding Considerations) and incorporated herein by this reference.

Section 7: Based upon all of the evidence presented and the above findings, the Council certifies the EIR for the Project with Errata and Responses to Comments, the Findings of Fact and Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program.

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

Section 9: 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 11th day of June, 2019.

Steve Manos, Mayor

Attest:

Mark Mahan, Deputy City Clerk

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

I, Mark Mahan, Deputy City Clerk of the City of Lake Elsinore, California, do hereby certify that Resolution No. 2019-____ was adopted by the City Council of the City of Lake Elsinore, California, at the regular meeting of June 11, 2019, and that the same was adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mark Mahan, Deputy City Clerk