

RESOLUTION NO. 2021-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE,
CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION (ER 2020-04)
(SCH NO. 2020100576) FOR PLANNING APPLICATION NO. 2019-69 (TENTATIVE
TRACT MAP NO. 37977, CONDITIONAL USE PERMIT NO. 2020-05 AND
COMMERCIAL DESIGN REVIEW NO. 2020-02)**

Whereas, Mark Cooper, RED Corydon, LLC has filed an application with the City of Lake Elsinore (City) requesting approval of Planning Application No. 2019-69 (Tentative Tract Map No. 37977, Conditional Use Permit No. 2020-05, and Commercial Design Review No. 2020-02) to subdivide a 6.05-acre project site into six (6) parcels for commercial development and one (1) lot for a detention basin. The proposed commercial uses include a 2,300-square-foot (sf) fast food restaurant with a drive-thru (Parcel 1), a 4,088-sf 7-Eleven convenience store (with the concurrent sale of beer and wine – Type 20 ABC license) and gas station with 16 fueling stations under a 4,285-sf fueling canopy with a maximum throughput of 1.87 million gallons of gasoline per year (Parcel 2), a 4,333-sf Superstar Car Wash express tunnel car wash with vacuum bays (Parcel 3), a 5,200-sf tire store (Parcel 4), and 11 flex-tech condos (Parcels 5 and 6). The project site is located within the East Lake Specific Plan, at the northwestern corner of the intersection of Mission Trail and Corydon Street. (APN 370-050-026 and a portion of 370-050-030); 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. 2020-04), 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 November 2, 2020, 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 on November 2, 2020, and ending on December 1, 2020; 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 2, 2020 and considered by the Commission on December 15, 2020 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 January 12, 2021, 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 to adopt the MND as proposed.

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 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 7: Based upon the evidence presented, the above findings, and the conditions of approval imposed upon the Project, the Council hereby adopts MND (ER 2020-04) and the MMRP, which is attached hereto as Exhibit "A1", for Planning Application No. 2019-69 (Tentative Tract Map No. 37977, Conditional Use Permit No. 2020-05, and Commercial Design Review No. 2020-02).

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 12th day of January, 2021.

Robert E. Magee, 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. 2021-_____ was adopted by the City Council of the City of Lake Elsinore, California, at the regular meeting of January 12, 2021, and that the same was adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Candice Alvarez, MMC
City Clerk