

RESOLUTION NO. 2019-__

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKE ELSINORE, CALIFORNIA, FINDING THAT PLANNING APPLICATION NO. 2019-09 (COMMERCIAL DESIGN REVIEW NO. 2019-06) (CONDITIONAL USE PERMIT NO. 2019-04) IS CONSISTENT WITH THE WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP)

Whereas, Santa Maria PPF, LLC. has filed an application with the City of Lake Elsinore (City) requesting approval of Planning Application No. 2019-09 (Commercial Design Review No. 2019-06) (Conditional Use Permit No. 2019-04) to request approval for an exterior seating area as an accessory use to the existing Pieology restaurant (Project). The Project is located near the intersection of Central Avenue and Collier Avenue and more specifically referred to as 18310 Collier Avenue, Suite B, Lake Elsinore, CA. 92530 (APN: 377-080-033); and,

Whereas, Section 6.0 of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) requires that all discretionary projects within an MSHCP criteria cell undergo the Lake Elsinore Acquisition Process (LEAP) and Joint Project Review (JPR) process to analyze the scope of the proposed development and establish a building envelope that is consistent with the MSHCP criteria; and,

Whereas, Section 6.0 of the MSHCP further requires that the City adopt consistency findings demonstrating that the proposed discretionary entitlement complies with the MSHCP cell criteria, and the MSHCP goals and objectives; and,

Whereas, pursuant to the Lake Elsinore Municipal Code (LEMC) Chapter 17.168 (Conditional Use Permits), the Planning Commission (Commission) has been delegated with the responsibility of reviewing and approving, conditionally approving, or denying conditional use permits; and,

Whereas, on August 6, 2019 at a duly noticed Public Hearing the Commission has considered evidence presented by the Community Development Department and other interested parties with respect to this item.

NOW THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LAKE ELSINORE DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. The Commission has considered the Project and its consistency with the MSHCP prior to adopting Findings of Consistency with the MSHCP.

Section 2. That in accordance with the MSHCP, the Commission makes the following findings for MSHCP consistency:

1. The Project is a project under the City's MSHCP Resolution, and the City must make an MSHCP Consistency finding before approval.

Pursuant to the City's MSHCP Resolution, the Project is required to be reviewed for MSHCP consistency, including consistency with other "Plan Wide Requirements." The Project site is not located within a MSHCP Criteria Cell. Based upon the site reconnaissance survey there are no issues regarding consistency with the MSHCP's other "Plan Wide Requirements." The only requirements potentially applicable to the Project were the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pool

Guidelines (Section 6.1.2 of the MSHCP) and payment of the MSHCP Local Development Mitigation Fee (Section 4 of the MSHCP Ordinance). The Project site is located in a previously disturbed site, and has no habitat, including riparian/riverine areas or vernal pools, present on site.

2. The Project is subject to the City's LEAP and the Western Riverside County Regional Conservation Authority's (RCA) JPR processes.

As stated above, the Project is not located within a Criteria Cell and therefore the Project was not processed through the LEAP or JPR processes.

3. The Project is consistent with the Riparian/Riverine Areas and Vernal Pools Guidelines.

The Project consists of permitting a fenced in seating area, which is located on the exterior of an existing commercial building on a previously disturbed site. As such, the Riparian/Riverine Areas and Vernal Pool Guidelines as set forth in Section 6.1.2 of the MSHCP are not applicable.

4. The Project is consistent with the Protection of Narrow Endemic Plant Species Guidelines.

The site does not fall within any Narrow Endemic Plant Species Survey Areas. Neither a habitat assessment nor further focused surveys are required for the Project. Therefore, Protection of Narrow Endemic Plant Species Guidelines as set forth in Section 6.1.3 of the MSHCP are not applicable to the Project.

5. The Project is consistent with the Additional Survey Needs and Procedures.

The MSHCP only requires additional surveys for certain species if the Project is located in Criteria Area Species Survey Areas, Amphibian Species Survey Areas, Burrowing Owl Survey Areas, and Mammal Species Survey Areas of the MSHCP. The Project site is not located within any of the Critical Species Survey Areas. Therefore, the provisions of MSHCP Section 6.3.2 are not applicable.

6. The Project is consistent with the Urban/Wildlands Interface Guidelines.

The Project site is not within or adjacent to any MSHCP criteria or conservation areas. Therefore, the Urban/Wildlands Interface Guidelines of MSHCP Section 6.1.4 are not applicable.

7. The Project is consistent with the Vegetation Mapping requirements.

The Project consists of permitting a fenced in seating area, which is located on the exterior of an existing commercial building on a previously disturbed site. There are no resources located on the Project site requiring mapping as set forth in MSHCP Section 6.3.1.

8. The Project is consistent with the Fuels Management Guidelines.

The Project site is not within or adjacent to any MSHCP criteria or conservation areas. Therefore, the Fuels Management Guidelines of MSHCP Section 6.4 are not applicable.

9. The Project will be conditioned to pay the City's MSHCP Local Development Mitigation

Fee.

The Project site is not within or adjacent to any MSHCP Criteria Cell or conservation areas. The Project does not propose any construction as such no permits are required.

10. The Project is consistent with the MSHCP.

The Project consists of permitting a fenced in seating area, which is located on the exterior of an existing commercial building on a previously disturbed site. As described above, the project complies with all application MSHCP requirements.

Section 3. Based upon all of the evidence presented, the above findings, and the conditions of approval imposed upon the Project, the Commission hereby finds that the Project is consistent with the MSHCP.

Section 4. This Resolution shall take effect immediately upon its adoption.

Passed and Adopted this 6th day of August, 2019.

Michael Carroll, Chairman

Attest:

Justin Kirk,
Assistant Community Development Director

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

I, Justin Kirk, Assistant Community Development Director of the City of Lake Elsinore, California, hereby certify that Resolution No. 2019-__ was adopted by the Planning Commission of the City of Lake Elsinore, California, at a regular meeting held on the 6th day of August, 2019 and that the same was adopted by the following vote:

AYES
NOES:
ABSTAIN:
ABSENT:

Justin Kirk,
Assistant Community Development Director