

## RESOLUTION NO. 2022-\_\_

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKE ELSINORE, CALIFORNIA, RECOMMENDING ADOPTION OF FINDINGS THAT PLANNING APPLICATION NO. 2019-07 (TENTATIVE TRACT MAP NO. 37578, CONDITIONAL USE PERMIT NO. 2019-03, COMMERCIAL DESIGN REVIEW NO. 2019-05, AND UNIFORM SIGN PROGRAM NO. 2019-01) IS CONSISTENT WITH THE WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP)**

**Whereas**, Ahmad Zaki, Zairey, Inc. has filed an application with the City of Lake Elsinore (City) requesting approval of Planning Application No. 2019-07 (Tentative Tract Map No. 37578, a Conditional Use Permit No. 2019-03, a Commercial Design Review No. 2019-05, a Uniform Sign Program No. 2019-01). *Tentative Tract Map No. 37578* is a subdivision of the 12.60-acre project site into seven (7) lots for a mixed-use commercial and residential development. *Conditional Use Permit No. 2019-03 and Commercial Design Review No. 2019-05* proposes to develop the mixed-use commercial and residential development that would be constructed in three phases. The first phase (Phase 1) would include a 10-dispenser ARCO gasoline station with a 6,840-square foot (SF) canopy, a 4,354-SF AM/PM convenience store, an attached 1,960-SF quick-serve restaurant (with no drive-through service), and a 4,054-SF automated self-service car wash. A 2,000-SF office would be located on the second story above the quick-serve restaurant. Phase 1 would also include grading of the site, installation of the majority of the utility infrastructure, development of internal circulation driveways and parking, and construction of off-site improvements. The second phase (Phase 2) would consist of two 2,400-SF fast food restaurants with drive-through lanes, and a two-story mixed-use commercial/retail and multi-family residential building. The mixed-use building would consist of six commercial/retail spaces totaling approximately 23,000 SF on the ground floor and 14 apartments or condominium units totaling 20,000 SF on the second floor. The third (and final) phase (Phase 3) of the project would consist of five three-story multi-family residential buildings containing up to 60 residential units. The multi-family residential development would include enclosed parking and a 2,800-SF clubhouse with pool and outdoor living amenities. *Uniform Sign Program No. 2019-01* proposes to establish a uniform sign program for the project that provides standards and specifications to ensure consistency of signage in terms of design, composition, size and placement throughout the project. The project is located at the northwest corner of Grand Avenue and State Route 74/Ortega Highway (APNs: 381-320-023 and 381-320-020; and,

**Whereas**, Section 6.0 of the Multiple Species Habitat Conservation Plan (MSHCP) requires that all discretionary projects within a MSHCP Criteria Cell undergo the Lake Elsinore Acquisition Process (LEAP) and the Joint Project Review (JPR) 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 Criteria Cell, and the MSHCP goals and objectives; and,

**Whereas**, pursuant to Lake Elsinore Municipal Code (LEMC) Section 17.415.050 (Major Design Review), Section 17.415.070 (Conditional Use Permit), Chapter 16.24 (Tentative Map), Section 17.410.070 (Approving Authority), and Section 17.410.030 (Multiple Applications) the Planning Commission (Commission) has been delegated with the responsibility of making

recommendations to the City Council (Council) pertaining to tentative maps, conditional use permits, design review applications, and sign programs; and,

**Whereas**, on February 1, 2022, February 15, 2022, March 1, 2022, and June 21, 2022, 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 recommending that the Council adopt 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.

*The Project site is not located within a MSHCP Criteria Cell. Pursuant to the City's MSHCP Resolution, the Project is required to be reviewed for MSHCP consistency, including consistency with other "Plan Wide Requirements." These include the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pool Guidelines (MSHCP, § 6.1.2), Protection of Narrow Endemic Plant Species Guidelines (MSHCP, § 6.1.3), Additional Survey Needs and Procedures (MSHCP, § 6.3.2), Urban/Wildlands Interface Guidelines (MSHCP, § 6.1.4), Vegetation Mapping (MSHCP, § 6.3.1) requirements, Fuels Management Guidelines (MSHCP, § 6.4), and payment of the MSHCP Local Development Mitigation Fee (MSHCP Ordinance, § 4).*

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

*As stated above, the project is not located within a Criteria Cell and therefore was not required to go through the LEAP and JPR processes.*

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

*According to a MSHCP Consistency Analysis prepared for the Project, there are no areas that meet the MSHCP's definition of riparian/riverine areas or vernal pools that occur on the project site. The project is therefore consistent with the Riparian/Riverine Areas and Vernal Pool Guidelines set forth in Section 6.1.2 of the MSHCP. No further action regarding this section of the MSHCP is required.*

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

*The property is not in a Narrow Endemic Plant Species Survey Area (NEPSSA) for any narrow endemic species, and no NEPSSA surveys are required. The proposed project is therefore consistent with the Protection of Narrow Endemic Plant Species Guidelines.*

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

*The MSHCP requires additional surveys for certain species if the project is located in certain locations. Pursuant to MSHCP Figure 6-2 (Criteria Area Species Survey Area), Figure 6-3 (Amphibian Species Survey Areas with Criteria Area), Figure 6-4 (Burrowing Owl Survey Areas with Criteria Area), Figure 6-5 (Mammal Species Survey Areas with Criteria Area), burrowing owl surveys are required for the subject property prior to approval of a development proposal.*

*The property is not within a Criteria Area Species Survey Area (CASSA), and CASSA surveys are not required. The property is not located within survey areas for amphibian species (MSHCP Figure 6-3), or mammal species (MSHCP Figure 6-5) and surveys for those species are not required.*

*Although surveys completed for the Biological Technical Report did not identify burrowing owl, the species has a low to moderate potential to occur. As a mitigation measure for the proposed project, the City will require a pre-construction presence/absence survey for burrowing owl to be conducted within 30 days of the commencement of project-related grading or other land disturbance activities to ensure that the species has not moved onto the site since completion of the surveys. The pre-construction survey should occur within 30 days prior to ground disturbing activity. Owls located as a result of survey efforts will be relocated. If burrowing owl have colonized the project site or the offsite improvements area prior to the initiation of construction, the project proponent should immediately inform the City, RCA and the Wildlife Agencies, and coordinate on the potential need for preparation, review and approval of a Burrowing Owl Protection and Relocation Plan, prior to any ground disturbance.*

*Therefore, the subject project is consistent with the Additional Survey Needs and Procedures of the MSHCP.*

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

*According to section 6.1.4 of the MSHCP, the Urban/Wildlands Interface Guidelines are intended to address indirect effects associated with locating development in proximity to the MSHCP Conservation Area. The project site is not near a conservation area. Therefore, the Urban/Wildlife Interface Guidelines are not applicable.*

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

*There are no resources located on the project sites requiring mapping as set forth in MSHCP Section 6.3.1.*

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

*The MSHCP acknowledges that brush management to reduce fuel loads and protect urban uses and public health/safety shall occur where development is adjacent to conservation areas. The project is not located within or adjacent to MSHCP Conservation Areas.*

*Since the project site is not immediately adjacent to a MSHCP Conservancy Area, the proposed project does not pose a risk of causing direct or indirect effects to MSHCP Conservancy Areas. Therefore, the project is consistent with the Fuels Management Guidelines as set forth in Section 6.4 of the MSHCP. The project will incorporate the BMPs outlined in Volume I, Appendix C of the MSHCP as part of the development. Therefore, the project is consistent with the Fuels Management Guidelines as set forth in Section 6.4 of the*

*MSHCP.*

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

*As a condition of approval, the project will be required to pay the City's MSHCP Local Development Mitigation Fee at the time of issuance of building permits.*

10. The Project is consistent with the MSHCP.

*The project site is not within or adjacent to any MSHCP Criteria Cell or conservation areas. As described above, the project complies with all applicable MSHCP requirements.*

**Section 3:** Based upon the evidence presented, both written and testimonial, and the above findings, the Commission hereby recommends that the Council find that the project is consistent with the MSHCP.

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

**Passed and Adopted** on this 21<sup>st</sup> day of June, 2022.

\_\_\_\_\_  
John Gray, Chairman

**Attest:**

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Damaris Abraham,  
Planning Manager

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

I, Damaris Abraham, Planning Manager of the City of Lake Elsinore, California, hereby certify that Resolution No. 2022-\_\_ was adopted by the Planning Commission of the City of Lake Elsinore, California, at a regular meeting held June 21, 2022 and that the same was adopted by the following vote:

AYES

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Damaris Abraham,  
Planning Manager