

RESOLUTION NO. 2022-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKE ELSINORE, CALIFORNIA, APPROVING PLANNING APPLICATION NO. 2021-26 (COMMERCIAL DESIGN REVIEW NO. 2021-12) FOR THE CONSTRUCTION OF A 20-MEGAWATT BATTERY ENERGY STORAGE SYSTEM LOCATED AT APN: 377-200-045

Whereas, Ortega Grid, LLC has filed an application with the City of Lake Elsinore (City) requesting approval of Planning Application No. 2021-26 (Commercial Design Review No. 2021-012) proposing to construct a 20-megawatt battery energy storage system (BESS) on a 1.79-acre site in the C-2 General Commercial zoning district. The project site is located southeast of the intersection of Camino Del Norte and O Hana Circle (APN: 377-200-045); and,

Whereas, Section 6.0 of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) requires that all discretionary projects within a 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 Criteria Cell, and the MSHCP goals and objectives; and,

Whereas, pursuant to Section 17.415.050 (Major Design Review) of the Lake Elsinore Municipal Code (LEMC), the Planning Commission (Commission) has the responsibility of reviewing and approving, conditionally approving, or denying design review applications; and,

Whereas, the proposed project is exempt from the California Environmental Quality Act (Cal. Publ. Res. Code §§21000 et seq.: "CEQA") and CEQA Guidelines (14. Cal. Code Regs §§15000 et seq.), specifically pursuant to Section 15332 (Class 32 – In-Fill Development Projects); and,

Whereas, on 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 reviewed and analyzed the proposed project pursuant to the California Planning and Zoning Laws (Cal. Gov. Code §§ 59000 et seq.), the Lake Elsinore General Plan (GP), and the LEMC and finds and determines that the proposed project is consistent with the requirements of California Planning and Zoning Law and with the goals and policies of the GP and the LEMC.

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

1. *The project is not subject to the City's LEAP and the Western Riverside County Regional Conservation Authority's (RCA) JPR processes as it is not located within a Criteria Cell.*

2. *The project site does not contain wetland features, riparian/riverine areas, and vernal pools. As such, the Riparian/Riverine Areas and Vernal Pool Guidelines as set forth in Section 6.1.2 of the MSHCP are not applicable.*
3. *The project is consistent with the Protection of Narrow Endemic Plant Species Guidelines as set forth in MSHCP Section 6.1.3 and the Additional Survey Needs and Procedures as set forth in MSHCP Section 6.3.2 because the project is not located within any Narrow Endemic Plant Species Survey Areas or Critical Species Survey Areas.*
4. *The project is consistent with the Fuels Management Guidelines because the project site is not within or adjacent to any MSHCP Criteria Cell or conservation areas.*
5. *The project has been conditioned to pay any applicable MSHCP Local Development Mitigation fees.*

Section 3: The Commission finds that the proposed project is exempt from the California Environmental Quality Act (Cal. Pub. Res. Code §§21000 et seq.: “CEQA”) and the CEQA Guidelines (14 C.C.R. §§ 15000 et seq.) pursuant to CEQA Guidelines Section 15332 In-Fill Development Projects. The project is consistent with the applicable General Plan designation and policies, as well as zoning designation and regulations, and is within the City’s boundaries on a site less than five acres surrounded by urban uses. The subject property has no value as habitat for endangered, rare or threatened species. Approval of the project will not result in any significant effects relating to traffic, noise, air quality, or water quality and the project is adequately served by all required utilities and public services.

Section 4: That in accordance with Section 17.415.050.G of the LEMC, the Commission makes the following findings regarding Commercial Design Review No. 2021-12:

1. The project, as approved, will comply with the goals and objectives of the General Plan and the zoning district in which the project is located.

The proposed development site has a General Plan designation of General Commercial (GC) and is located within the Business District planning area. The GC designation provides for retail, services, restaurants, professional and administrative offices, hotels and motels, mixed-use projects, public and quasi-public uses, and similar and compatible uses with a maximum 0.40 Floor Area Ratio (FAR). The project is a development proposal to construct a public utility installation and associated improvements. No habitable floor area is proposed. Therefore, the project is consistent with applicable general plan policies.

The subject parcel is zoned General Commercial (C-2). In accordance with Section 17.124.020.B of the C-2 zone of the Lake Elsinore Municipal Code (LEMC), all permitted uses of the C-2 district, including Public Utility Distribution and Transmission Facilities (Public Utilities Installations) pursuant to LEMC Section 17.116.020.O, are permitted in the C-2 zone. The proposed use is considered a Public Utility Installation and is permitted in the C-2 zone. Therefore, the project is consistent with the applicable zoning designation and regulations.

2. The project complies with the design directives contained in the LEMC and all applicable provisions of the LEMC.

The proposed development is appropriate to the site and surrounding developments. Sufficient setbacks and onsite landscaping have been provided thereby creating visual interest and effective screening of the proposed station and its auxiliary components. In addition, safe and efficient circulation has been achieved onsite.

3. Conditions and safeguards pursuant to Section 17.415.050.G.3 of the LEMC, including guarantees and evidence of compliance with conditions, have been incorporated into the approval of the Project to ensure development of the property in accordance with the objectives of Section 17.415.050.

Pursuant to Section 17.415.050.E of the LEMC, the project was considered by the Planning Commission at a duly noticed public hearing held on June 21, 2022. The project as reviewed and conditioned by all applicable City divisions, departments, and agencies, was found to be consistent with the objectives of Section 17.415.050.

Section 5: Based upon the evidence presented, both written and testimonial, and the above findings, the Commission hereby finds that the project is consistent with the MSHCP.

Section 6: Based upon the evidence presented, the above findings, and the Conditions of Approval imposed upon the project, the Commission hereby approves Commercial Design Review No. 2021-12.

Section 7: This Resolution shall take effect immediately upon its adoption.

Passed and Adopted on this 21st day of June, 2022.

John Gray
Chairman

Attest:

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