

RESOLUTION NO. 2018-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, FINDING THAT PLANNING APPLICATION NO. 2018-29 (CONDITIONAL USE PERMIT NO. 2018-04 AND COMMERCIAL DESIGN REVIEW NO. 2018-07) IS CONSISTENT WITH THE WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP)

Whereas, Maikel Faragalla, Urban Dwell Architects has filed an application with the City of Lake Elsinore (City) requesting approval of Planning Application No. 2018-29 (Conditional Use Permit No. 2018-04 and Commercial Design Review No. 2018-07) for the design and construction a 2,500 sq. ft. Starbucks coffee shop with a drive-through located within the Lake Elsinore Town Center (Project). The Project site is located on the westerly side of Mission Trail, northerly of Malaga Road, and southerly of Campbell Street (APN: 365-280-007); 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) 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 Chapter 17.184 (Design Review) of the LEMC, the Planning Commission (Commission) has been delegated with the responsibility of making recommendations to the City Council (Council) pertaining to design reviews; and,

Whereas, pursuant to Chapter 17.168 (Conditional Use Permits) of the LEMC, the Commission has been delegated with the responsibility of making recommendations to the Council pertaining to conditional use permits; and,

Whereas, on July 17, 2018 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; and,

Whereas, pursuant to Chapters 17.168 and 17.184 of the LEMC, the Council has the responsibility of making decisions to approve, modify, or disapprove recommendations of the Commission for conditional use permits and design review applications; and,

Whereas, on August 14, 2018, at a duly noticed Public Meeting, 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 Council 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 Council 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 requirement 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).

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

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

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

The Project is proposing to develop a drive-through coffee shop on a previously disturbed site. The Project site has been previously completely disturbed and graded for the development of the Lake Elsinore Town Center. 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 is proposing to develop a drive-through coffee shop on a previously disturbed site. The Project site has been previously completely disturbed and graded for the

development of the Lake Elsinore Town Center. 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.

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 is proposing to develop a drive-through coffee shop on a previously disturbed site. The Project site has been previously completely disturbed and graded for the development of the Lake Elsinore Town Center. As described above, the Project complies with all application MSHCP requirements.

Section 3: Based upon the evidence presented, both written and testimonial, and the above findings, the Council hereby finds that the Project is consistent with the MSHCP.

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

Section 5: 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 14th day of August 2018.

Natasha Johnson
Mayor

Attest:

Susan M. Domen, MMC
City Clerk

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

I, Susan M. Domen, MMC, City Clerk of the City of Lake Elsinore, California, do hereby certify that Resolution No. 2018-____ was adopted by the City Council of the City of Lake Elsinore, California, at the regular meeting of August 14, 2018, and that the same was adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Susan M. Domen, MMC
City Clerk