

**RESOLUTION NO. 2017-\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, ADOPTING FINDINGS THAT PLANNING APPLICATION 2016-01 (COMMERCIAL DESIGN REVIEW NO. CDR 2016-01, CONDITIONAL USE PERMIT NO. CUP 2016-01, AND TENTATIVE TRACT MAP NO. 37284) ARE CONSISTENT WITH THE WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP)**

**Whereas,** Peninsula Retail Partners submitted an application for several entitlements which include a Tentative Tract Map (TTM) for the of the subdivision of five (5) lots into four (8) lots and the reconfiguration of the adjacent right of way, Conditional Use Permit (CUP) and Commercial Design Review (CDR) applications for the development of 65,803 square feet of development consisting of a main building located on the southern portion of the site and four pad buildings, including one drive thru located along Central Avenue. The Project site is located on 7.25 acres generally located at the southeast corner of Central Avenue (State Highway 74) and Collier Avenue. The site contains two parcels, identified as Assessor's Parcel Numbers (APNs) 377-080-014, 031, 032, 033, and 034; and,

**Whereas,** Section 6.0 of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) requires that all Projects which are proposed on land covered by an MSHCP criteria cell and which require discretionary approval by the legislative body undergo the Lake Elsinore Acquisition Process (LEAP) and a Joint Project Review (JPR) between the City and the Regional Conservation Authority (RCA) prior to public review of the project applications; and,

**Whereas,** Section 6.0 further requires that discretionary development Projects be analyzed pursuant to the MSHCP "Plan Wide Requirements" even if not within an MSHCP criteria cell; and,

**Whereas,** the Project is discretionary in nature and requires review and approval by the Planning Commission (Commission) and City Council (Council); and,

**Whereas,** a portion of the Project is within MSHCP Criteria Cell 4743 and the entire Project is within the Elsinore Plan Area of the MSHCP, and therefore, the Project was reviewed pursuant to the MSHCP "Plan Wide Requirements"; and,

**Whereas,** Section 6.0 of the MSHCP requires that the City adopt consistency findings prior to approving any discretionary Project entitlements for development of property that is subject to the MSHCP; and,

**Whereas,** pursuant to LEMC Chapter 16.24 (Tentative Map), 17.186 (Conditional Use Permits), and 17.184 (Design Review) the Commission has been delegated with the responsibility of making recommendations to the Council pertaining to Design Review of residential Projects; and,

**Whereas,** on March 21, 2017, 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.

**Whereas,** pursuant to LEMC Chapter 16.24 (Tentative Map), 17.186 (Conditional Use Permits), and 17.184 (Design Review) the Council has the responsibility of making decisions to approve,

modify or disapprove recommendations of the Commission for TTM, CUP, and Design Review applications; and;

**Whereas**, on March 28, 2017, at a duly noticed Public Hearing the Council has considered 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, CALIFORNIA, DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:**

**Section 1.** The Council has reviewed and analyzed the proposed applications and their consistency with the MSHCP prior to making a decision to adopt Findings of Consistency with the MSHCP for the Project.

**Section 2.** That in accordance with the City of LEMC, and the MSHCP, Findings for adoption have been made as follows:

1. The proposed 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 Implementing Resolution, prior to approving any discretionary entitlement, the City is required to review the Project to ensure consistency with the MSHCP criteria and other "Plan Wide Requirements." The Project, as proposed, was found to be consistent with the MSHCP criteria. In addition, the Project was reviewed and found consistent with the following "Plan Wide Requirements". Protection of Species Associated with Riparian/Riverine Areas and Vernal Pool Guidelines (MSHCP § 6.2), 1. Protection of Narrow Endemic Species (NEPS) MSHCP § 6.3), 1. Urban/Wildlands Interface Guidelines (MSHCP § 6.4), 1. Vegetation Mapping (MSHCP § 6.1), 3. Additional Survey Needs and Procedures (MSHCP § 6.2), 3. Fuels Management (MSHCP § 6.4), and payment of the MSHCP Local Development Mitigation Fee (MSHCP Ordinance § 4.0).*

2. The proposed Project is subject to the City's LEAP and the County's JPR processes.

*The proposed Project is not located within an MSHCP Criteria Cell area, therefore, no formal LEAP submittal was required. However, the Project is still required to demonstrate compliance with "Other Plan Requirements." The Project is in compliance as described further below.*

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

*Section 6.21 of the MSHCP focuses on protection of riparian/riverine areas and vernal pool habitat types based upon their value in the conservation of a number of MSHCP covered species. No riparian/riverine areas are located within the Project site and there are no potential vernal pools within the Project site, therefore, the Project is consistent with Section 6.21 of the MSHCP.*

4. The proposed Project is consistent with the Protection of NEPS Guidelines.

*The Project site is not within the MSHCP NEPS or Criteria Area Species (CAS) survey areas. There were no rare plants found within the Project area and there is no suitable habitat for rare plants. Thus, the Project is consistent with the NEPS requirements of the MSHCP.*

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

*The proposed Project is not within any MSHCP Criteria Area Species Survey Area (CASSA) for plant or animal species.*

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

*Section 6.41 of the MSHCP sets forth guidelines which are intended to address indirect effects associated with locating development in proximity to the MSHCP Conservation Area, where applicable. Future Development in proximity to the MSHCP Conservation Area may result in Edge Effects that will adversely affect biological resources within the MSHCP Conservation Area. To minimize such Edge Effects, guidelines shall be implemented in conjunction with review of individual public and private Development Projects in proximity to the MSHCP Conservation Area. Currently, the proposed Project is not located adjacent to land dedicated to the MSHCP Reserve.*

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

*Vegetation mapping was conducted as part of the biological surveys conducted on the entire Project Site and is consistent with the MSHCP Section 6.13. Vegetation Mapping requirements.*

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

*The Fuels Management Guidelines presented in Section 6.4 of the MSHCP are intended to address brush management activities around new development within or adjacent to the MSHCP Conservation Area and shall be implemented as part of the Project. As such, the Project is consistent with the Fuels Management Guidelines. The Project will not be affected by fuels management requirements either on site or on adjacent undeveloped land.*

9. The proposed Project is 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 reserve assembly requirements of the MSHCP.

*The MSHCP provides for the assembly of a Conservation Area consisting of Core Areas and Linkages for the conservation of covered species. The subject Project is*

*not located in a Criteria Cell, existing Reserve Area, or in Public/Quasi-Public habitat conservation land.*

11. The proposed Project overall is consistent with the MSHCP.

*The Project is consistent with all applicable provisions of the MSHCP. No further actions related to the MSHCP are required.*

**Section 3.** Based upon the evidence presented and the above findings, the Council of the City of Lake Elsinore adopts findings that the Project is consistent with the MSHCP.

**Section 4.** This Resolution shall take effect from and after the date of its passage and adoption.

**Passed and Adopted** this 28<sup>th</sup> day of March 2017.

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Robert E. Magee, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

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Susan M. Domen, MMC  
City Clerk

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Barbara Leibold  
City Attorney

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. 2017-\_\_\_\_ was adopted by the City Council of the City of Lake Elsinore, California, at the regular meeting of March 28, 2017, and that the same was adopted by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Susan M. Domen, MMC  
City Clerk

