

RESOLUTION NO. 2017-____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKE ELSINORE, CALIFORNIA, FINDING THAT PLANNING APPLICATION NO. 2016-42 (CONDITIONAL USE PERMIT NO. 2017-14) IS CONSISTENT WITH THE WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP)

Whereas, Brook Eddins, Fundamental Foundations has filed an application with the City of Lake Elsinore (City) requesting approval of Planning Application No. 2016-42 (Conditional Use Permit No. 2017-14) to modify a previously approved Conditional Use Permit (CUP 2016-15) for the academic instruction/tutoring center by adding a 2,700 SF Kindergarten classroom (Suite “C”) and a 3,748 SF indoor playground (Suite “A”). The facility previously utilized Suite “B” which is 11,508 SF in area. The overall area for the facility will now be 17,956 SF with 10 classrooms, a 5,600 SF auditorium (for assemblies, physical education (P.E.), breaks, and lunches), a 3,748 SF indoor playground, a storage room, a warehouse, three (3) offices, and two (2) reception areas (Project). The Project is located at the southeastern corner of Collier Avenue and Crane Street and more specifically referred to as 18421 Collier Avenue. (APN: 377-410-048); 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 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 October 3, 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.

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 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 MSCHP'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 developed building, and has no habitat, including riparian/riverine areas or vernal pools, present on site.

2. The Project is not 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 LEAP or the JPR processes.

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

The Project is for an academic instruction/tutoring center within an existing two-story building on a fully developed 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 MSCHP 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 for an academic instruction/tutoring center within an existing two-story building on a fully developed site. There are no resources located on the Project site, requiring mapping as set forth in MSCHP 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 Cell 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 is for an academic instruction/tutoring center within an existing two-story building on a fully developed site. The project does not propose any new construction; as such no permits are required.

10. The Project is consistent with the MSHCP.

The Project is for an academic instruction/tutoring center within an existing two-story building on a fully developed site. As described above, the project complies with all application MSHCP requirements.

Section 3: Based upon all of the evidence presented and the above findings, the Planning 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 3rd day of October, 2017.

John Gray, Chairman

Attest:

Justin Kirk,
Principal Planner

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

I, Justin Kirk, Principal Planner of the City of Lake Elsinore, California, hereby certify that Resolution No. 2017-__ was adopted by the Planning Commission of the City of Lake Elsinore, California, at a regular meeting held on the 3rd day of October, 2017 and that the same was adopted by the following vote:

AYES
NOES:
ABSTAIN:
ABSENT:

Justin Kirk,
Principal Planner