

## **ORDINANCE NO. 2018-**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, APPROVING DEVELOPMENT AGREEMENT NO. 2018-06 FOR AN APPROXIMATELY 20,891 SQUARE FOOT CANNABIS FACILITY WITHIN AN EXISTING BUILDING LOCATED AT 480 and 490 THIRD STREET (APN: 377-140-033 and 034)**

**Whereas**, Bill Disegna, THT Group, LLC has filed an application with the City of Lake Elsinore (City) requesting approval of Planning Application No. 2018-38 (Development Agreement No. 2018-06 (Exhibit A) and Conditional Use Permit No. 2018-10) to establish an approximately 20,891 Square Foot (SF) Cannabis Facility within an existing two-story building (Project). The Project will consist of approximately 2,234 SF dispensary area, 16,842 SF of cultivation and ancillary use space, 907 SF of distribution space, and 885 SF of manufacturing space. The Project is generally located at the southwest corner of the intersection 3rd and Pasadena and more specifically referred to as 480 Third St (APN: 377-140-033 and 034); 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 19.12 (Development Agreements) of the Lake Elsinore Municipal Code (LEMC) the Planning Commission (Commission) has been delegated with the responsibility of reviewing and making a recommendation to the City Council (Council) whether the development agreement is consistent with the City's General Plan and whether to approve the development agreement; and,

**Whereas**, on November 20, 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.

**Whereas**, pursuant to LEMC Chapter 19.12 the Council of the City of Lake Elsinore (Council) has the responsibility of making decisions to approve, modify or disapprove recommendations of the Commission for development agreements; and,

**Whereas**, on December 11, 2018, at a duly noticed Public Hearing, the City 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, DOES ORDAIN AS FOLLOWS:**

**Section 1:** That in accordance with the MSHCP, the Council 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 is consistent with the Riparian/Riverine Areas, Vernal Pools Guidelines, and the Fuel Management Guidelines as the Project is wholly located within an existing building and does not include any earth disturbing activities therefore Sections 6.1.2 or 6.3.1 of the MSHCP are not applicable.
3. The Project is consistent with the Protection of Narrow Endemic Plant Species Guidelines and the Additional Survey Needs and Procedures 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 2:** The Council hereby finds and determines that the Project is categorically exempt from 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 15301 (Class 1 – Existing Facilities), because the Project proposes to establish a Cannabis Facility within an existing building. The site is fully developed and only minor interior alterations are planned in association with the proposed use.

**Section 3:** That in accordance with California Planning and Zoning Law and the Section 19.12.070 (Planning Commission report) of the LEMC, the Council makes the following findings regarding Development Agreement No. 2018-06:

1. It is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable specific plan.

*The proposed Development Agreement will help to offset the potential costs incurred by the City associated with the establishment of a Cannabis related facility within an industrial district. The Project site's General Plan Land Use designation is Limited Industrial (LI). The proposed Project is consistent the LI land use designation and with the objectives, policies, general land uses and programs specified in the General Plan.*

2. It is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located.

*The proposed Development Agreement will facilitate the establishment of the Cannabis related facility within an existing building. The Project is located in the Limited Industrial (LI) General Plan Land use designation and the General Manufacturing (M-2) Zoning designation, which is consistent with the applicable General Plan Land Use Designation. The proposed use is a permitted use subject to the approval of a Conditional Use Permit within the M-2 Zoning designation.*

3. It is in conformity with public convenience, general welfare and good land use practices.

*The proposed Cannabis related facility which will be facilitated through the proposed Development Agreement was found to be a high value development which will have beneficial impacts to the surrounding community. Furthermore, the Project has been reviewed and conditioned by all applicable City departments to reduce the potential for any adverse effects.*

4. It will not be detrimental to the health, safety and general welfare.

*The proposed Development Agreement will facilitate the establishment of a Cannabis related facility within an existing building. The proposed Project has been reviewed and conditioned by all applicable City departments to reduce the potential for any adverse effects to the health, safety and general welfare.*

5. It will not adversely affect the orderly development of property or the preservation of property values;

*The proposed Development Agreement will facilitate the establishment of a Cannabis related facility within an existing building. The proposed use has been analyzed and staff has determined that the proposed use meets all applicable sections of the LEMC and will complement the existing uses. The Project was found not to adversely affect the orderly development of property or the preservation of property values.*

6. It is consistent with the provisions of Government Code Sections 65864 through 65869.5.

*The proposed Development Agreement includes all mandatory provisions required by Government Code § 65865.2 and does not include any provisions that are not authorized by the Development Agreement Act.*

**Section 4.** Based upon the evidence presented, both written and testimonial, and the above findings, the Council finds that the Project is consistent with the MSHCP

**Section 5.** Based upon the evidence presented, the above findings, the City Council approves Development Agreement 2018-01.

**Section 6.** If any provision of this Ordinance or its application is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, sections, or applications of the Resolution which can be given effect without the invalid provision or application, and to this end each phrase, section, sentence, or word is declared to be severable.

**Section 7.** This Ordinance shall take effect thirty (30) days after the date of its final passage or such later date as may be designated by the City Council. The City Clerk shall certify as to adoption of this Ordinance and cause this Ordinance to be published and posted in the manner required by law.

**PASSED and ADOPTED** at the Regular meeting of the City Council of the City of Lake Elsinore, California, on the 11<sup>th</sup> day of December 2018.

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Natasha Johnson, Mayor

**ATTEST:**

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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, do hereby certify that the foregoing Ordinance No. 2018-\_\_\_\_ was introduced at the Regular meeting of December 11, 2018, and adopted by the City Council of the City of Lake Elsinore at its Regular meeting of \_\_\_\_\_, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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