

RESOLUTION NO. 2018-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 2018-11 TO ESTABLISH A 8,500 SQUARE FOOT CANNABIS FACILITY WITHIN AN EXISTING BUILDING LOCATED AT 311 MINTHORN STREET (APN: 377-220-003, 019, AND 021)

Whereas, Joseph Martin, Lake Elsinore Investment Corporation has filed an application with the City of Lake Elsinore (City) requesting approval of Planning Application No. 2018-39 (Development Agreement No. 2018-07 (Exhibit A) and Conditional Use Permit No. 2018-11) to establish an approximately 8,500 Square Foot (SF) Cannabis Facility within an existing building (Project). The Project will consist of approximately 2,125 SF dispensary space, and 6,375 SF of manufacturing and ancillary use space. The Project is generally located at the northwest corner of the intersection Minthorn and Collier and more specifically referred to as 311 Minthorn Street (APN: 370-220-003, 019, and 021); 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, Chapter 17.168 of the Lake Elsinore Municipal Code (LEMC) provides that certain uses have operational characteristics that, depending on the location and design of the use, may have the potential to negatively impact adjoining properties, businesses or residents and therefore are permitted subject to the issuance of a Conditional Use Permit, which allows the City to comprehensively review and approve the use; and,

Whereas, pursuant to Chapter 17.168 (Conditional Use Permits) of the LEMC, the Planning Commission (Commission) has been delegated with the responsibility of making recommendations to the Council pertaining to conditional use permits; 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 17.186 (Conditional Use Permits) the Council has the responsibility of making decisions to approve, modify or disapprove recommendations of the Commission for Conditional Use Permits; and,

Whereas, on December 11, 2018, 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 considered the Project prior to making a decision and has found it acceptable.

Section 2: 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 3: 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 4: That in accordance with California Planning and Zoning Law and the LEMC Section 17.168.060 (Findings), the Council makes the following findings regarding the Project:

1. That the proposed use, on its own merits and within the context of its setting, is in accord with the objectives of the General Plan and the purpose of the planning district in which the site is located.

The proposed Project is located in the Limited Industrial (LI) General Plan Land use designation and the Limited Manufacturing (M-1) 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-1 Zoning designation.

2. The proposed use will not be detrimental to the general health, safety, comfort or general welfare of persons residing or working within the neighborhood of the proposed use or the City, or injurious to property or improvements in the neighborhood or the City.

The proposed use will be located within an existing building. The proposed use does not propose either directly or indirectly any detrimental effects to the existing surrounding community. The Project has been conditioned as such to avoid any possible negative impacts associated with the conversion and operation of the proposed facility.

3. The site for the intended use is adequate in size and shape to accommodate the use, and for all the yards, setbacks, walls or fences, landscaping, buffers and other features required by this title.

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, based on the submitted plans and attached conditions of approval.

4. The site for the proposed use relates to streets and highways with proper design both as to width and type of pavement to carry the type and quantity of traffic generated by the subject use.

The proposed use is located within an existing built environment, inclusive of streets. The existing streets are of adequate size to facilitate safe and convenient transportation to and from the site.

5. In approving the subject use at the specific location, there will be no adverse effect on abutting properties or the permitted and normal use thereof.

The Project has been thoroughly reviewed and conditioned by all applicable City departments thereby eliminating the potential for any adverse effects.

6. Adequate conditions and safeguards pursuant to Section 17.168.050 of the LEMC, including guarantees and evidence of compliance with conditions, have been incorporated into the approval of the subject Project to ensure development of the property in accordance with the objectives of this chapter and the planning district in which the site is located.

Pursuant to Section 17.168.040 of the LEMC, the Project was considered by the Commission at a duly noticed Public Hearing on November 20, 2018, appropriate and applicable conditions of approval have been included to protect the public health, safety and general welfare.

Section 5: 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 6: Based upon the evidence presented, the above findings, and the Conditions of Approval imposed upon the Project, the Council approves Conditional Use Permit No. 2018-11.

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

Section 8: 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 11th day of December 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 December 11, 2018, and that the same was adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Susan M. Domen, MMC
City Clerk