

## **RESOLUTION NO. 2019-**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, FINDING THAT PLANNING APPLICATION NO. 2017-28 (CONDITIONAL USE PERMIT NO. 2017-05, COMMERCIAL DESIGN REVIEW NO. 2017-05, AND VARIANCE NO. 2017-03) IS CONSISTENT WITH THE WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP)**

**Whereas**, Danny Brose, Auto Center & Mill, LLC has filed an application with the City of Lake Elsinore (City) requesting approval of Planning Application No. 2017-28 (Conditional Use Permit No. 2017-05, Commercial Design Review No. 2017-05, and Variance No. 2017-03) to establish an automobile dealership facility (Silverleaf Motors) with a 3,266 sq. ft. two-story building and 118 total parking spaces on an approximately 1.3-acre site (Project). The Project also includes a Variance request for the front and rear yard setbacks due to site constraints. The Project site is located at the northwesterly corner of Auto Center Drive and Mill Street (APNs: 363-112-025, 026, and 031); and,

**Whereas**, Section 6.0 of the Multiple Species Habitat Conservation Plan (MSHCP) requires that all discretionary projects within a MSHCP Criteria Cell undergo the Lake Elsinore Acquisition Process (LEAP) and the Joint Project Review (JPR) to analyze the scope of the proposed development and establish a building envelope that is consistent with the MSHCP Criteria Cell; 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**, the Project site is within the MSHCP Elsinore Area Plan, Subunit 3 (Elsinore). The proposed project site lies within Criteria Cell #4646; and,

**Whereas**, pursuant to Chapter 17.168 (Conditional Use Permits), Chapter 17.184 (Design Review), and Chapter 17.172 (Variances) of the Lake Elsinore Municipal Code (LEMC), the Planning Commission (Commission) has been delegated with the responsibility of making recommendations to the City Council (Council) pertaining to tentative maps and design reviews; and,

**Whereas**, on May 7, 2019 and May 21, 2019 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, Chapter 17.172, 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, variances, and design review applications; and,

**Whereas**, on June 11, 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.

*The Property is located within MSHCP criteria cells. Pursuant to the City's MSHCP Resolution, the project has been reviewed for MSHCP consistency, including consistency with "Other Plan Requirements." These include the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pool Guidelines (MSHCP, § 6.1.2), Protection of Narrow Endemic Plant Species Guidelines (MSHCP, § 6.1.3), Additional Survey Needs and Procedures (MSHCP, § 6.3.2), Urban/Wildlands Interface Guidelines (MSHCP, § 6.1.4), Vegetation Mapping (MSHCP, § 6.3.1) requirements, Fuels Management Guidelines (MSHCP, § 6.4), and payment of the MSHCP Local Development Mitigation Fee (MSHCP Ordinance, § 4)..*

2. The Project is subject to the City's LEAP and the County's Joint Project Review (JPR) processes.

*The project site (1.3 acres) is located within Criteria Cell #4646. Therefore, a formal and complete LEAP application, LEAP 2017-02 was submitted to the City on August 11, 2017 and the JPR application, JPR 17-10-06-01 was submitted to the County on October 2, 2017. The County's Regional Conservation Authority (RCA) completed the review on February 26, 2018 and found the Project consistent with both the Criteria and Other Plan Requirements.*

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

*The property was assessed for the presence of Riparian/Riverine and Vernal Pool habitats through a review of literature sources and an on-site evaluation. Aerial photographs were reviewed prior to conducting the field investigations on June 27, 2017. It was determined that the project site does not support any areas that would be considered to be jurisdictional waters under the Clean Water Act or State regulation for isolated waters or streambeds. No riparian habitats were observed on the project site nor were any plant species typically associated with riparian areas observed on the project site. No depressions or areas where water would pool (e.g., road ruts) were observed within the project site. Furthermore, the soils present on the site (i.e., Cotina gravelly coarse sandy loam, Cajalco rocky fine sandy loam and Arbuckle Series) are not typically associated with the formation of vernal pools. Therefore, based upon these criteria, no vernal pools occur on the project site and there is no suitable habitat for fairy shrimp. Based upon the results of the field surveys and background data review, the site is not expected to support any populations of fairy shrimp. Due to the lack of suitable riparian habitat, riparian bird species such as least Bell's vireo and southwestern willow flycatcher are absent from the site. The San Jacinto River is located approximately 1,000 feet to the southeast. There is no connectivity to the San Jacinto River, nor is there any connectivity to any riparian/riverine features in the region. The Project is therefore consistent with the Riparian/Riverine Areas and Vernal Pool Guidelines set forth in Section 6.1.2 of the MSHCP. No further action regarding this section of the MSHCP is required.*

4. The Project is consistent with the Protection of Narrow Endemic Plant Species Guidelines.

*The property is not in a Narrow Endemic Plant Species Survey Area (NEPSSA) for any narrow endemic species, and no NEPSSA surveys are required. The proposed project is therefore consistent with the Protection of Narrow Endemic Plant Species Guidelines.*

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

*The MSHCP requires additional surveys for certain species if the project is located in certain locations. Pursuant to MSHCP Figure 6-2 (Criteria Area Species Survey Area), Figure 6-3 (Amphibian Species Survey Areas with Criteria Area), Figure 6-4 (Burrowing Owl Survey Areas with Criteria Area), Figure 6-5 (Mammal Species Survey Areas With Criteria Area), burrowing owl surveys and surveys for Criteria Area species are required for the subject property prior to approval of a development proposal.*

*The property is not within a Criteria Area Species Survey Area (CASSA), and CASSA surveys are not required. It is also not within survey areas for amphibian species (MSHCP Figure 6-3) or mammal species (MSHCP Figure 6-5) and surveys for those species are not required.*

*Burrowing owl (*Athene cunicularia*) surveys were conducted by RCA Associates, LLC on June 27, 2017 in accordance with the survey requirements established for the MSHCP (MSHCP Burrowing Owl Survey Instructions, 2006). Owl surveys were conducted from about 0600 to 1000 hours and weather conditions included clear skies with temperatures from the mid 70's to mid 80's. Following completion of the habitat assessment it was determined that the entire site could be classified as suitable habitat (See Figure 3, Burrowing Owl Suitable Habitat). Therefore, a survey was performed to identify the presence of any suitable burrows. The burrow surveys consisted of 30-meter (or less) transects which were walked in a north-south direction. The survey transects were spaced in a manner that provided 100% visual coverage. No surveys were conducted in adjacent areas due to the presence of private property, however, adjacent areas were surveyed using binoculars to determine if any burrowing owls or other species were present. The only burrows that were observed during the surveys were a few rodent burrows with openings less than five centimeters in size that were too small to be utilized by burrowing owls. No ground squirrel or other mammal activity were observed on the site. Since, no owl burrows or owls were identified during the field investigations; no additional site visits were conducted.*

*However, as a standard condition of approval for the development application, the City of Lake Elsinore will require a pre-construction presence/absence survey for burrowing owl to be conducted within 30 days of the commencement of project-related grading or other land disturbance activities to ensure that the species has not moved onto the site since completion of the June surveys. If burrowing owls have colonized the project site prior to the initiation of construction, the project proponent should immediately inform the Regional Conservation Authority (RCA) and the Wildlife Agencies, and would need to coordinate further with RCA and the Wildlife Agencies regarding next steps, including the possibility of preparing a Burrowing Owl Protection and Relocation Plan, prior to initiating ground disturbance.*

*Therefore, the subject project is consistent with the Additional Survey Needs and Procedures of the MSHCP.*

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

*Section 6.1.4 of the MSHCP sets forth guidelines that are intended to address indirect effects associated with locating development in proximity to the MSHCP Conservation Area, where applicable.*

*The project site is located on the southwest side of Auto Center Drive. There is existing single-family residential development immediate adjacent to the project site's southern and southeastern boundary. An existing automobile dealership is located to the northwest of the project site. There is also existing residential and commercial development across Auto Center Drive from the project site. This residential and commercial development extend from the San Jacinto River, past the project site and to Franklin Street. Therefore, there are no conservation areas immediately adjacent to the project site. The nearest potential conservation area is the San Jacinto River located approximately 1,000 feet to the southeast. There is no connectivity to the San Jacinto River, nor is there any connectivity to any riparian/riverine features in the region.*

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

*Plant communities were mapped using aerial photography and were evaluated on the ground using pedestrian surveys by biologists from RCA Associates, LLC on June 27, 2017. The project site a ruderal plant community typical of disturbed urban areas. Common species observed during the field investigations included yellow-green mathweed (*Gutierrezia sarothrae*), Russian thistle (*Salsola tragus*), California buckwheat (*Eriogonum fasciculatum*), barley (*Hordeum murinum*), erodium (*Erodium cicutarium*), horseweed (*Conyza canadensis*) and bur clover (*Medicago polymorpha*). Other species observed included brome grass (*Bromus sp.*), mesquite (*Prosopis sp.*) and palm (*Washingtonia filifera*).*

*This mapping is sufficient under the MSHCP and is consistent with the MSHCP vegetation mapping requirements.*

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

*The MSHCP acknowledges that brush management to reduce fuel loads and protect urban uses and public health/safety shall occur where development is adjacent to conservation areas. The project site is located on the southwest side of Auto Center Drive. There is existing single-family residential immediate adjacent to the project site's southern and southeastern boundary. An existing automobile dealership is located to the northwest of the project site. There is also existing residential and commercial development across Auto Center Drive from the project site. This residential and commercial development extend from the San Jacinto River, past the project site and to Franklin Street. Therefore, there are no conservation areas immediately adjacent to the project site. The nearest potential conservation area is the San Jacinto River located approximately 1,000 feet to the southeast.*

*Therefore, the Project is consistent with the Fuels Management Guidelines as set forth in Section 6.4 of the MSHCP. The proposed project will be conditioned to pay the City's MSHCP Local Development Mitigation Fee.*

*The project has been conditioned to pay MSHCP Local Development Mitigation fees prior to issuance of a grading permit, in effect at the time of permit issuance.*

9. The proposed Project is consistent with the MSHCP.

*Target conservation in Criteria Cell 4646 is 5% of the cell, focusing in the southeastern portion of the Cell. The nearest potential conservation area within the Criteria Cell is the San Jacinto River located approximately 1,000 feet to the southeast. Additionally, the project site does not meet the conservation requirements set forth for Subunit 3 of the*

*Elsinore Area Plan. Therefore, no conservation of the project site, or any portion thereof, is not required. The proposed project is consistent with the MSHCP.*

**Section 3:** 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 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 11<sup>th</sup> day of June, 2019.

\_\_\_\_\_  
Steve Manos, Mayor

**Attest:**

\_\_\_\_\_  
Mark Mahan, Deputy City Clerk

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

I, Mark Mahan, Deputy City Clerk of the City of Lake Elsinore, California, do hereby certify that Resolution No. 2019-\_\_\_\_\_ was adopted by the City Council of the City of Lake Elsinore, California, at the regular meeting of June 11, 2019, and that the same was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Mark Mahan, Deputy City Clerk