

RESOLUTION NO. 2019-__

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKE ELSINORE, CALIFORNIA, ADOPTING FINDINGS THAT PLANNING APPLICATION NO. 2019-03 (CONDITIONAL USE PERMIT NO. 2019-02 AND COMMERCIAL DESIGN REVIEW NO. 2019-01) IS CONSISTENT WITH THE WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP)

Whereas, Peter Delatorre, RD Construction, has filed an application with the City of Lake Elsinore (City) requesting approval of Planning Application No. 2019-03 (Conditional Use Permit No. 2019-02 and Commercial Design Review No. 2019-01) to expand an existing construction company by adding a 14,282 sq. ft. warehouse and 3,810 sq. ft. office/mezzanine, and outside storage area on an approximately 3.23-acre site (Project). The Project site currently has an existing 10,270 sq. ft. warehouse building with a 4,000 sq. ft. office/mezzanine. The Project will provide 49 total parking spaces. is located within the East Lake Specific Plan (ELSP), northerly of Palomar Street, southerly of Cereal Street, and on the westerly side of Corydon Street, more specifically 32097 Corydon Street (APNs: 370-080-019 and 027); 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 Section 17.415.070 (Conditional Use Permits) and Section 17.415.050 (Major Design Review) of the Lake Elsinore Municipal Code (LEMC), the Planning Commission (Commission) has been delegated with the responsibility of reviewing and approving, conditionally approving, or denying conditional use permits and design review applications; and,

Whereas, on November 5, 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.

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 to 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." A

portion of the Project site (APN: 370-080-027) has been previously disturbed and developed with a 10,270 sq. ft. industrial building with a 4,000 sq. ft. office. A General Biological Assessment and Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) report dated November, 2018 prepared by Hernandez Environmental Services (Biological Report) has been prepared for the remainder portion (APN: 370-080-019) of the project site. The Project site is not located within a MSHCP Criteria Cell. Based upon the Biological Report, there are no issues regarding consistency with the MSHCP's other "Plan Wide Requirements." The only requirement 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).

2. The Project is 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 City's LEAP and JPR processes.

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

According to the Biological Report prepared for the project, the project site contains approximately 0.19 acres of man-made channel. The channel was created to divert drainage runoff. The man-made channel is not connected to a natural stream, or does not divert natural flow from any river, stream or lake and is not considered jurisdictional under the California Department of Fish and Wildlife Lake and Streambed Alteration Program. There is no riparian vegetation present. No impacts are expected to riparian/riverine habitat. In addition, the project site is developed and actively maintained to control non-native vegetation establishment. No depressions or areas where water would pool were observed within the project site. No vernal pools or suitable habitat for fairy shrimp occur on the 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 Project site is located within the Narrow Endemic Plant Species Survey Area (NEPSSA) for any narrow endemic species. According to the Biological Report, habitat assessments were conducted specifically for California Orcutt grass, Coulter's goldfields. Little mousetails, paniculate tarplant, and smooth tarplant. It was determined that no habitat is present to support any Narrow Endemic Plant Species. 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 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 additional survey areas for amphibians, mammals, or any special linkage areas; however, the Project site is located within the burrowing owl survey area. A habitat assessment for burrowing owl determined that there is no suitable habitat present that can support this species. 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.

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.

There are no resources located on the Project site, requiring mapping as set forth in MSHCP 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 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.

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 MSHCP.

As described above, the Project complies with all applicable MSHCP requirements.

Section 3: Based upon the evidence presented, both written and testimonial, and the above findings, the 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 on this 5th day of November, 2019.

Myles Ross, Chairman

Attest:

Justin Kirk,
Assistant Community Development Director

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

I, Justin Kirk, Assistant Community Development Director of the City of Lake Elsinore, California, hereby certify that Resolution No. 2019-__ was adopted by the Planning Commission of the City of Lake Elsinore, California, at a regular meeting held on the 5th day of November, 2019 and that the same was adopted by the following vote:

AYES

NOES:

ABSTAIN:

ABSENT:

Justin Kirk,
Assistant Community Development Director