

## RESOLUTION NO. 2020-\_\_

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKE ELSINORE, CALIFORNIA, RECOMMENDING ADOPTION OF FINDINGS THAT PLANNING APPLICATION NO. 2018-49 (TENTATIVE PARCEL MAP NO. 37710 AND INDUSTRIAL DESIGN REVIEW NO. 2019-01) IS CONSISTENT WITH THE WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP)**

**Whereas**, Rod Oshita, Pennington Industrial, LLC has filed an application with the City of Lake Elsinore (City) requesting approval of Planning Application No. 2018-49 (Tentative Parcel Map No. 37710 and Industrial Design Review No. 2019-01) to subdivide the 5.01 gross acre site into three (3) parcels that are 1.06 acres, 1.72 acres, and 2.01 acres, respectively. The Project also proposes to construct three (3) industrial buildings that are 91,140 square foot (SF) in total with 167 parking spaces. Building 1 will have 32,940 SF gross floor area, Building 2 will have 39,000 SF gross floor area, and Building 3 will have 19,200 SF gross floor area. Each building will consist of a planned open warehouse with truck access doors and a planned office area with mezzanine level. Hardscape, landscape, on-site stormwater management improvements, trash enclosure, and area lighting would be constructed as part of the Project. The proposed Project is at the southeasterly corner of Chaney Street and Minthorn Street (APN: 377-160-014); 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; 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 Lake Elsinore Municipal Code (LEMC) Section 17.415.050 (Major Design Review) and Chapter 16.24 (Tentative Map) the Planning Commission (Commission) has been delegated with the responsibility of making recommendations to the City Council (Council) pertaining to tentative maps and design review applications; and,

**Whereas**, on February 4, 2020 and February 18, 2020, 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 recommending that the Council adopt 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 MSHCP'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 disturbed site, and has no habitat, including riparian/riverine areas or vernal pools, present on site.*

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 was not required to go through the LEAP and JPR processes.*

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

*The subject property has been previously disturbed and was used as a contractor's storage yard. A construction materials debris pile was observed in the south corner of the site. Due to the numerous disturbances of the proposed Project site, there is little habitat value for the MSHCP and other special status species. 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 not located within the Narrow Endemic Plant Species Survey Areas as shown on Figure 6-1 of the MSHCP. The Project is consistent with the Protection of Narrow Endemic Plant Species Guidelines as set forth in Section 6.1.3 of the MSHCP*

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

*The Property is not subject to any of the Critical Area Species Survey Area Guidelines as set forth in Section 6.3.2 of the MSHCP, with the exception of Burrowing Owl. No burrowing owls or burrowing owl signs were observed within the Project site or adjacent lands. The Project site does not support any active burrows or suitable habitat due to the heavy soil composition, ongoing mechanical disturbance of the site, and the surrounding commercial urban setting. As required by the MSHCP, mitigation has been included to conduct a Burrowing Owl survey 30 days prior to any ground-disturbance, including removal vegetation or other debris. Therefore, the Project is consistent with MSHCP Section 6.3.2.*

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

*The Property is surrounded by existing development or graded parcels planned for development. Therefore, the Urban/Wildlands Interface Guidelines set forth in Section 6.1.4 of the MSHCP are not applicable.*

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

*The Project consists of the establishment of an athletic training facility within an existing 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.

*As stated above, the Property is surrounded by existing and planned development. Therefore, the Fuels Management Guidelines as set forth in Section 6.4 of the MSHCP 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.

*The Project site is not within or adjacent to any MSHCP Criteria Cell or conservation areas. 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 recommends that the Council find that the Project is consistent with the MSHCP.

**Section 4:** This Resolution shall take effect immediately upon its adoption.

**Passed and Adopted** on this 18<sup>th</sup> day of February, 2020.

\_\_\_\_\_  
Michael Carroll, Chairman

**Attest:**

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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. 2020-\_\_ was adopted by the Planning Commission of the City of Lake Elsinore, California, at a regular meeting held on the 18<sup>th</sup> day of February, 2020 and that the same was adopted by the following vote:

AYES  
NOES:  
ABSTAIN:  
ABSENT:

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Justin Kirk,  
Assistant Community Development Director