

## **RESOLUTION NO. 2020-**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, ADOPTING FINDINGS THAT PLANNING APPLICATION NO. 2019-45 (CONDITIONAL USE PERMIT NO. 2019-11, COMMERCIAL DESIGN REVIEW NO. 2019-17 AND TENTATIVE PARCEL MAP NO. 2019-04 - 37751) IS CONSISTENT WITH THE WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP)**

**Whereas**, Rod Fermin of Boos Development, has filed an application with the City of Lake Elsinore (City) requesting approval of Planning Application No. 2019-45 (Conditional Use Permit No. 2019-11, Commercial Design Review No. 2019-17 and Tentative Parcel Map No. 2019-04 - 37751). The Project site consists of six lots totaling 0.88 acres (38,432 SF) and is located on the east side of Main Street between Flint Street and the I-15 Freeway southbound onramp and includes Assessor Parcel Numbers (APNs) 377-243-002, 003, 004, 005, 006 and 007; and,

**Whereas**, Conditional Use Permit No. 2019-11 and Commercial Design Review No. 2019-17 are proposing to establish a new commercial facility consisting of eight (8) gasoline dispensing stations with a 5,054 square foot (SF) canopy, a 3,200 SF convenience store with concurrent sale of alcoholic beverages (Type 21 ABC), and a 1,125 SF automated carwash on a 0.88 acre site. The Project will provide 16 total vehicular parking spaces including 1 ADA space, and vehicle access will be provided with two driveway off Main Street 36 feet in width; and,

**Whereas**, the Project site is within the MSHCP Elsinore Area Plan, Subunit 3 (Elsinore). The proposed project site does not lie within any Criteria Cells; and,

**Whereas**, pursuant to Section 17.415.070 (Conditional Use Permit), Section 17.415.050 (Major Design Review) and Section 16.24 (Tentative Map) 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 conditional use permits, design reviews and tentative parcel maps; and,

**Whereas**, on February 4, 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 and unanimously recommended City Council approval; and

**Whereas**, on February 25, 2020 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 HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:**

**Section 1:** The City 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 City 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 not located within an MSHCP criteria cell. 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 not subject to the City's LEAP and the County's Joint Project Review (JPR) processes.

*The project site (0.88 acres) is not located within any MSHCP Criteria Cells.*

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 an on-site evaluation. No rivers, streams, or other watercourses (or vegetation associated with these features) were observed on the project site. The closest riparian vegetation is located in a flood-control channel approximately ¼ mile west (Temescal Wash) of the Project site. No drainages, waterbodies, or other water resources under the regulatory authority of the United States Army Corps of Engineers (USACE), the California Department of Fish and Wildlife (CDFW) or the Regional Water Quality Control Board (RWQCB) were observed in the project area.*

*No basins, ponds, or obvious depressional features were observed on the Project site. The site is vacant except for one small single-family residence that will be demolished. There are no trees, plants or shrubs onsite, only scattered weeds.*

*The proposed Project will not directly impact riparian bird species (least Bell's vireo, southwestern willow flycatcher, and western yellow-billed cuckoo) because the project will not result in the removal of the habitat for these species. These activities are not expected to impact species in Temescal Wash since it is approximately ¼ mile from project activities. 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.*

3. 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.*

4. 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. There are no additional survey needs and procedures for the project site 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. Therefore, for MSHCP consistency, additional focused rare plant surveys for these species are required.*

*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) burrowing owls (Figure 6-4) or mammal species (MSHCP Figure 6-5) and surveys for those species are not required. Therefore, the subject project is consistent with the Additional Survey Needs and Procedures of the MSHCP.*

5. 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 not immediately adjacent to a defined MSHCP Conservation Area and thus does not pose a risk of causing direct or indirect effects to any defined MSHCP Conservation Areas. The closest riparian vegetation is located in a flood-control channel approximately ¼ mile to the west of the project site.*

*Indirect impacts, often called “edge effects”, are those that affect the quality of nearby wildlife habitat resulting from disturbance by construction (such as noise, dust, and urban pollutants) and/or the long-term use of the site. There are no criteria cells in the vicinity and the flood control channel is approximately ¼ mile from the project site.*

*The Project will not impact Urban/Wildlands Interface Guidelines in Section 6.1.4 of the MSHCP:*

- 1. The Project will not result in runoff being discharged into any MSHCP conservation area. The Project is designed as to not release toxins, chemicals, petroleum products, exotic plant materials, or other elements that might degrade or harm biological resources or ecosystem processes within a MSHCP Conservation Area. Drainage flows will be captured by ribbon gutters and directed towards proposed storm water BMPs.*
- 2. Land use is not proposed in proximity to the MSHCP Conservation Area. Any use where chemicals generate bio-products such as oil machinery and trucks that are potentially toxic or may adversely affect wildlife species, habitat, or water quality shall incorporate measures to ensure that application of such chemicals does not result in discharge to a MSHCP Conservation Area. Measures implemented to address drainage issues would also address chemicals and toxins. Wash water containing any cleaning agent or degreaser and discharge will be collected to the sanitary sewer and not to a storm drain.*
- 3. All exterior lighting will be directed downward and shielded away from the natural lands and adjacent properties.*
- 4. Noise generation activities are anticipated to result from operation of the Project. Any noise producing activities associated with the long-term operation of the businesses will be relegated to indoor space levels and shall not exceed residential noise standards.*

5. *No invasive and/or non-native plant species on the California Invasive Plant Counsel List will be used in the landscaping of the Project site.*

*For these reasons, the subject Project is consistent with the Urban/Wildlife Interface Guidelines.*

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

*The project site is vacant except for a small residence to be demolished and other than scattered weeds does not contain any trees, plants or other vegetation. The project site previously had low density commercial and residential uses that have been demolished. The project site is within the historic downtown area and there are no special status plant and wildlife species known to occur within the Project vicinity.*

7. 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. Surrounding land uses include streets, an alley, low density residential and commercial. The Project site is not immediately adjacent to a MSHCP Conservancy Area and thus does not pose a risk of causing direct or indirect effects to MSHCP Conservancy Areas. Therefore, the Project is consistent with the Fuels Management Guidelines as set forth in Section 6.4 of the MSHCP.*

8. 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 in effect at the time of payment.*

9. The proposed Project is consistent with the MSHCP.

*Based upon the above discussed MSHP requirements, the proposed project is consistent with the MSHCP.*

**Section 3:** Based upon the evidence presented, both written and testimonial, and the above findings, the City Council 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 25<sup>th</sup> day of February, 2020.

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Brian Tisdale, Mayor

**Attest:**

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Candice Alvarez, MMV  
City Clerk

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

I, Candice Alvarez, City Clerk of the City of Lake Elsinore, California, hereby certify that Resolution No. 2020-\_\_ was adopted by the City Council of the City of Lake Elsinore, California, at a regular meeting held on the 25<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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Candice Alvarez, MMC  
City Clerk