

RESOLUTION NO. 2020-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKE ELSINORE, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, APPROVAL OF MODIFICATIONS TO DEVELOPMENT AGREEMENT NO. 2018-05 TO INCREASE THE TOTAL AREA FROM 2,074 SF TO AN APPROXIMATELY 6,524 SQUARE FOOT CANNABIS FACILITY WITHIN AN EXISTING BUILDING LOCATED AT 31877 CORYDON SUITE 120 (APN: 370-051-016) AND 31881 CORYDON SUITE 150 (APN: 370-051-030);

Whereas, Modern Leaf, LLC has filed an application with the City of Lake Elsinore (City) requesting approval of modifications to Development Agreement No. 2018-02 (Exhibit A) and Conditional Use Permit No. 2018-05 that established a 2,074 Square Foot (SF) Cannabis Facility within an existing building (Project). The modified Project will increase the size by 4,450 sf for a total Area of 6,524 SF. The Project is generally located at the northeast corner of the intersection Cereal and Corydon and more specifically referred to as 31877 Corydon Unit 120 AND 31881 Corydon 150 (APN:370-051-006 AND 370-051-030); 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 Chapter 19.12 (Development Agreements) of the Lake Elsinore Municipal Code (LEMC) the Planning Commission (Commission) has been delegated with the responsibility of reviewing and making a recommendation to the City Council (Council) whether the development agreement is consistent with the City's General Plan and whether to approve the development agreement; and,

Whereas, on October 6, 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, CALIFORNIA, DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1: That in accordance with the MSHCP, the Commission 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 2: The Commission 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 3: That in accordance with California Planning and Zoning Law and the Section 19.12.070 (Planning Commission report) of the LEMC, the Commission makes the following findings regarding modifications to Development Agreement No. 2018-01:

1. It is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable specific plan.

The proposed Development Agreement will help to offset the potential costs incurred by the City associated with the establishment of a Cannabis related facility within an industrial district. The Project site's General Plan Land Use designation is Limited Industrial (LI). The proposed Project is consistent the LI land use designation and with the objectives, policies, general land uses and programs specified in the General Plan.

2. It is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located.

The proposed Development Agreement will facilitate the establishment of the Cannabis related facility within an existing building. The 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.

3. It is in conformity with public convenience, general welfare and good land use practices.

The proposed Cannabis related facility which will be facilitated through the proposed Development Agreement was found to be a high value development which will have beneficial impacts to the surrounding community. Furthermore, the Project has been reviewed and conditioned by all applicable City departments to reduce the potential for any adverse effects.

4. It will not be detrimental to the health, safety and general welfare.

The proposed Development Agreement will facilitate the establishment of a Cannabis related facility within an existing building. The proposed Project has been reviewed and conditioned by all applicable City departments to reduce the potential for any adverse effects to the health, safety and general welfare.

5. It will not adversely affect the orderly development of property or the preservation of property values;

The proposed Development Agreement will facilitate the establishment of a Cannabis related facility within an existing building. 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. The Project was found not to adversely affect the orderly development of property or the preservation of property values.

6. It is consistent with the provisions of Government Code Sections 65864 through 65869.5.

The proposed Development Agreement includes all mandatory provisions required by Government Code § 65865.2 and does not include any provisions that are not authorized by the Development Agreement Act.

Section 4: 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 5: Based upon the evidence presented, the above findings, and the Conditions of Approval imposed upon the Project, the Commission hereby recommends that the Council approve modifications to Development Agreement No. 2018-05.

Section 6: This Resolution shall take effect immediately upon its adoption.

Passed and Adopted on this 6th day of October 2020.

Rendell Klaarenbeek,
Planning Commission Chair

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. 2020-__ was adopted by the Planning Commission of the City of Lake Elsinore, California, at a regular meeting held on the 6th day of October, 2020, and that the same was adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Justin Kirk,
Assistant Community Development Director

Exhibit A

Development Agreement