

## **ORDINANCE NO. 2021-1451**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, APPROVING DEVELOPMENT AGREEMENT NO. 2018-03 FOR A 25,105 SQUARE FOOT CANNABIS FACILITY LOCATED AT APN: 377-120-059**

**Whereas**, TRU CC, LLC has filed an application with the City of Lake Elsinore (City) requesting approval of Planning Application No. 2018-35 (Development Agreement No. 2018-03, Conditional Use Permit No. 2018-07, and Industrial Design Review No. 2019-03) to construct a 50,627 sq. ft. concrete tilt-up building with 97 parking spaces on an approximately 2.77-acre site. Hardscape, landscape, on-site stormwater management improvements, trash enclosure, and area lighting would be constructed as part of the project. In addition the applicant has requested to establish a portion of the building (approximately 25,105 sq. ft.) as a cannabis facility that includes cultivation, manufacturing, retail, distribution, and related uses. The proposed project is located at the northwest corner of Central Avenue and Pasadena Street (APN: 377-120-059); 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 February 16, 2021 and March 2, 2021, at duly noticed Public Hearings, the Commission has considered evidence presented by the Community Development Department and other interested parties with respect to this item; and,

**Whereas**, pursuant to Chapter 19.12 (Development Agreements), the Council has the responsibility of making decisions to approve, conditionally approve, or disapprove recommendations of the Commission for Development Agreements; and,

**Whereas**, on April 13, 2021, at a duly noticed Public Hearing, 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, CALIFORNIA, DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:**

**Section 1:** That in accordance with the MSHCP, the Council 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 located in a previously disturbed site. 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 Council finds that the proposed Project is exempt from the California Environmental Quality Act (Cal. Pub. Res. Code §§21000 et seq.: "CEQA") and the CEQA Guidelines (14 C.C.R. §§ 15000 et seq.) pursuant to CEQA Guidelines Section 15332 In-Fill Development Projects. The Project is consistent with the applicable General Plan designation and policies, as well as zoning designation and regulations, and is within the City's boundaries on a site less than five acres surrounded by urban uses. The subject property has no value as habitat for endangered, rare or threatened species. Approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality and the Project is adequately served by all required utilities and public services.

**Section 3:** That in accordance with California Planning and Zoning Law and the Section 19.12.080 (Decision by City Council) of the LEMC, the Council makes the following findings regarding Development Agreement No. 2018-03:

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 a newly constructed 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. The proposed newly constructed buildings have been designed in a manner consistent with 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. 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. 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 surrounding 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 Council finds 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 Council hereby approves Development Agreement No. 2018-03.

**Section 6: Severability.** If any provision of this Ordinance or its application is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, sections, or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end each phrase, section, sentence, or word is declared to be severable.

**Section 7: Effective Date.** This Ordinance shall become effective at 12:01 a.m. on the thirty-first (31<sup>st</sup>) day after the date of adoption.

**Section 8: Certification.** The City Clerk shall certify to the passage of this Ordinance and shall cause a synopsis of the same to be published according to law.

**PASSED, APPROVED, AND ADOPTED** at a regular meeting of the City Council of the City of Lake Elsinore, California, on this 27<sup>th</sup> day of April 2021.

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Robert E. Magee  
Mayor

Attest:

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Candice Alvarez, MMC  
City Clerk

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

I, Candice Alvarez, MMC, City Clerk of the City of Lake Elsinore, California, do hereby certify that Ordinance No. 2020-1451 was introduced by the City Council of the City of Lake Elsinore, California, at the Regular meeting of April 13, 2021 and adopted at the Regular meeting of April 27, 2021 and that the same was adopted by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Candice Alvarez, MMC  
City Clerk