

RESOLUTION NO. 2021-__

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKE ELSINORE, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, ADOPT FINDINGS THAT PLANNING APPLICATION NO. 2019-63 (TENTATIVE PARCEL MAP NO. 37854 AND COMMERCIAL DESIGN REVIEW NO. 2019-24) IS CONSISTENT WITH THE WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP)

Whereas, Shahin Motamed Hashemi, Lakeview Centre, LLC has filed an application with the City of Lake Elsinore (City) requesting approval of Planning Application No. 2019-63 (Tentative Parcel Map No. 37854 and Commercial Design Review No. 2019-24) to subdivide the 3.9-acre vacant site into four (4) parcels ranging in size from 0.48 acres to 1.49 acres. The project also proposes to construct a neighborhood retail center with four (4) buildings ranging in size from 3,480 sq. ft. to 15,600 sq. ft. (approximately 43,120 sq. ft. in total) with 207 parking spaces, including 12 accessible spaces and 29 compact spaces and related improvements. The project site is located north of Lakeshore Drive, northwest of Manning Street, and southwest of Ryan Avenue (APNs 375-092-002, 375-092-003, 375-092-004, 375-092-005, and 375-092-006); 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), Chapter 16.24 (Tentative Map), Section 17.410.070 (Approving Authority), and Section 17.410.030 (Multiple Applications) 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 May 18, 2021, 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.

The Project site is not located within a MSHCP Criteria Cell. Pursuant to the City's MSHCP Resolution, the Project is required to be reviewed for MSHCP consistency, including consistency with other "Plan Wide 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 subject to the City's LEAP and the Western Riverside County Regional Conservation Authority's (RCA) Joint Project Review (JPR) 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.

According to a MSHCP Consistency Analysis and Habitat Assessment prepared by Rincon Consultants, Inc. dated September 2019, there are no areas that meet the MSHCP's definition of riparian/riverine areas or vernal pools that occur on the project site.

Section 6.1.2 of the MSHCP describes the process to protect species associated with riparian/riverine areas and vernal pools. As defined in the MSHCP, riparian/riverine areas are lands which contain habitat dominated by trees, shrubs, persistent emergents, or emergent mosses and lichens, which occur close to or depend on a nearby freshwater source or areas that contain a freshwater flow during all or a portion of the year. These areas may support one or more species listed in Section 6.1.2 of the MSHCP.

Vernal pools are seasonal wetlands that occur in depressions, typically have wetland indicators that represent all three parameters (soils, vegetation, and hydrology), and are defined based on vernal pool indicator plant species during the wetter portion of the growing season but normally lack wetland indicators associated with vegetation and/or hydrology during the drier portion of the growing season.

*The single ditch observed within the project site does not drain into areas designated for conservation under the MSHCP. Further, this ditch does not provide wetland habitat, did not result from human actions to create open waters, or from the alteration of natural stream courses, and does not contain habitat dominated by trees, shrubs, persistent emergents, or emergent mosses and lichens, and is therefore excluded from the definitions of riparian/riverine areas and vernal pools. Additionally, the ditch described does not contain suitable habitat for MSHCP-covered species that occur in riparian/riverine areas (e.g., least Bell's vireo [*Vireo bellii pusillus*], southwestern willow flycatcher [*Empidonax traillii extimus*], western yellow-billed cuckoo [*Coccyzus americanus occidentalis*], etc.). For these reasons, it has been determined that the ditch does not provide any function or value to these MSHCP-covered species. 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.*

4. 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.

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

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

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

According to section 6.1.4 of the MSHCP, the Urban/Wildlands Interface Guidelines are intended to address indirect effects associated with locating development in proximity to the MSHCP Conservation Area. The project site is not near a conservation area. Therefore, the Urban/Wildlife Interface Guidelines are not applicable.

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

There are no resources located on the project sites requiring mapping as set forth in MSHCP Section 6.3.1.

8. The Project is consistent with the Fuels Management Guidelines.

Section 6.4 of the MSHCP requires that new developments adjacent to the MSHCP Conservation Area or other undeveloped lands incorporate any fuel/brush management zones and Best Management Practices. The project site is not located in or adjacent to a conservation area, is proposed as a non-combustible commercial development consistent with the Fire Code requirements, and undeveloped areas adjacent to the project site are anticipated to be developed and is therefore not expected to be subject to fuel modification requirements. The project will incorporate the BMPs outlined in Volume I, Appendix C of the MSHCP as part of the development. Therefore, the project is consistent with the Fuels Management Guidelines as set forth in Section 6.4 of the MSHCP.

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 18th day of May, 2021.

Rendell Klaarenbeek, 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. 2020-__ was adopted by the Planning Commission of the City of Lake Elsinore, California, at a regular meeting held on May 18, 2021 and that the same was adopted by the following vote:

AYES
NOES:
ABSTAIN:
ABSENT:

Justin Kirk,
Assistant Community Development Director