

RESOLUTION NO. 2023-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, ADOPTING FINDINGS THAT PLANNING APPLICATION NO. 2021-34 (TENTATIVE PARCEL MAP NOS. 38195 AND 38281, CONDITIONAL USE PERMIT NOS. 2021-09, 2021-10, 2021-11, AND 2021-12, COMMERCIAL DESIGN REVIEW NO. 2021-17, PUBLIC CONVENIENCE AND NECESSITY NOS. 2021-01 AND 2021-02, AND UNIFORM SIGN PROGRAM NO. 2021-35) IS CONSISTENT WITH THE WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP)

Whereas, Karen Levitt Ortiz, Evergreen Devco, Inc. has filed an application with the City of Lake Elsinore (City) requesting approval of *Planning Application No. 2021-34* which includes the construction of a 57,254 square foot (SF) commercial center that consists of an anchor grocery store, two quick-serve drive-through restaurants, a gas station with a convenience store, and a separate drive-through car wash with 369 parking spaces, which would be constructed in two phases over a total of 8.863 gross acres (Project). *Tentative Parcel Map No. 38195* would include a subdivision of the 8.863 gross acre site into four (4) lots ranging in size from 1.10 to 4.62 gross acres and *Tentative Parcel Map No. 38281* would include a subdivision of the 8.863 gross acre site into five (5) lots ranging in size from 1.03 to 3.59 gross acres. *Conditional Use Permit No. 2021-09* would establish a 4,116 SF Car Wash on Lot 1, *Conditional Use Permit No. 2021-10* would establish a 3,000 SF Quick-service Restaurant with a drive-through lane on Lot 2, *Conditional Use Permit No. 2021-11* and *Public Convenience & Necessity No. 2021-01* would establish a gas station and the 4,088 SF convenience store with concurrent sale of beer and wine for off-site consumption (Type 20 ABC) on Lot 3, *Public Convenience & Necessity No. 2021-02* includes a PCN finding for the 43,050 SF grocery store for the sale of beer, wine, and distilled spirits for off-site consumption (Type 21 and 86 ABC) on Lot 4, and *Conditional Use Permit No. 2021-12* would establish a the 3,000 SF Quick-service Restaurant with a drive-through lane on Lot 5. *Commercial Design Review No. 2021-17* provides a comprehensive design review for the entire Project site that includes architectural elevations, on-site stormwater management improvements, lighting, walls and fencing, parking and landscaping. *Uniform Sign Program (SIGN) No. 2021-35* proposes to establish a uniform sign program that creates an integrated framework for all the signage within the center; and,

Whereas, the Project is located on Central Avenue/State Route 74 (SR-74) east of the intersection with Cambern Avenue (APNs: 377-020-014, 377-020-016, 377-020-017, 377-020-018, and 377-020-019); 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), Section 17.415.070 (Conditional Use Permit), 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, conditional use permits, design review applications, and sign programs; and,

Whereas, on October 18, 2022, November 15, 2022, and April 4, 2023, 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 by a resolution recommended that the Council adopt Findings of Consistency with the MSHCP; and,

Whereas, on April 25, 2023, 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 DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1: The foregoing recitals are true and correct and are hereby incorporated into these findings by this reference.

Section 2: The Council has considered the Project and the recommendation of the Commission as well as evidence presented by the Community Development Department and other interested parties with respect to this item.

Section 3: That in accordance with the MSHCP, the 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 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.

Section 6.1.2 of the MSHCP requires the assessment of a proposed project's potential impacts to riparian/riverine or vernal pool resources, and those species that depend on such resources. Drainage 1, which traverses the eastern portion of the Project site, meets the criteria for riparian/riverine, as defined in the MSHCP. Phase 2 of the proposed Project would

result in the permanent removal of Drainage 1, and approximately 0.52 acre (469 linear feet) of riparian/riverine area, including 0.09 acres of native riparian/riverine vegetation (scale broom scrub). The portion of Drainage 1 that traverses the Project site comprises earthen bed and banks that exhibit natural hydrology and support native vegetation that provide marginal foraging and breeding habitat for wildlife; however, this resource is isolated and is no longer capable of functioning as contiguous habitat. Vegetation both upstream and downstream of the project site consists almost exclusively of ornamental vegetation (e.g., river red gum). While this vegetation may support nesting birds, it provides little value as habitat for most indigenous wildlife, including those considered special status or otherwise sensitive species. Incorporation of Mitigation Measure BIO-1 (either from the Riverpark Mitigation Bank or Barry Jones Wetland Mitigation Bank; applicable only during Phase 2 of the proposed Project), the payment of development fees, and the implementation of appropriate Best Management Practices outlined in MSHCP Appendix C (Dudek 2003) would ensure that the Project is consistent with the provisions of the MSHCP.

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 MSHCP requires additional surveys for certain species if the project is located in certain locations. 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 are required for the subject property prior to approval of a development proposal.

The property is not located within a Narrow Endemic Plant Species Survey Area as defined by Section 6.1.3, or Amphibian Survey Area, Burrowing Owl Survey Area, or Mammal Survey Area as defined by Section 6.3.2 of the MSHCP. Therefore, the subject Project is consistent with the Additional Survey Needs and Procedures 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 site requiring mapping as set forth in MSHCP Section 6.3.1.

8. 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. The Project is not located within or adjacent to MSHCP Conservation Areas. Since the Project site is not immediately adjacent to a MSHCP Conservation Area, the proposed project does not pose a risk of causing direct or indirect effects to MSHCP Conservation Areas. Therefore, the project is consistent with the Fuels Management Guidelines as set forth in Section 6.4 of the MSHCP. 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 other applicable MSHCP requirements.

Section 4: Based upon the evidence presented, both written and testimonial, and the above findings, the Council hereby finds that the Project is consistent with the MSHCP.

Section 5: This Resolution shall take effect immediately upon its adoption.

Section 6: The City Clerk shall certify to the adoption of this Resolution and enter it into the book of original Resolutions.

Passed and Adopted on this 25th day of April, 2023.

Natasha Johnson
Mayor

Attest:

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 Resolution No. 2023-____ was adopted by the City Council of the City of Lake Elsinore, California, at the regular meeting of April 25, 2023, and that the same was adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Candice Alvarez, MMC
City Clerk