

RESOLUTION NO. 2024-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKE ELSINORE, CALIFORNIA, APPROVING COMMERCIAL DESIGN REVIEW NO. 2022-05 TO CONSTRUCT A ONE-STORY 3,375-SQUARE-FOOT CONVENIENCE STORE, A 3,427 SQUARE-FOOT GASOLINE DISPENSING FACILITY, AND A 1,400-SQUARE-FOOT DRIVE-THROUGH RESTAURANT LOCATED AT 15890 GRAND AVENUE (APN: 381-320-025)

Whereas, David Culter, Ortega Plaza, LLC, has filed an application with the City of Lake Elsinore (City) requesting approval of Planning Application No. 2019-80 which includes Commercial Design Review (CDR No. 2022-05) and two (2) Conditional Use Permits (CUP No. 2024-06 and 2022-05) to construct a one-story 3,375-square-foot (sq. ft.) convenience store, a 3,427 sq. ft. gasoline dispensing facility, and a 1,400 sq. ft. drive-through restaurant and related site improvements including reconfiguring the surface parking lot and new landscaping on a 3.57-acre portion of the existing Ortega Oaks Plaza. CUP No. 2022-05 is to permit the operation of the drive-through restaurant and CUP No. 2024-06 is to permit the operation of the gasoline dispensing facility;

Whereas, the project is located on the southeastern corner of the Grand Avenue and Ortega Highway intersection and includes Assessor Parcel Number (APN) 381-320-025;

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) process to analyze the scope of the proposed development and establish a building envelope that is consistent with the MSHCP criteria;

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;

Whereas, pursuant to Section 17.415.050 (Major Design Review) of the Lake Elsinore Municipal Code (LEMC), the Planning Commission (Commission) has the responsibility of reviewing and approving, conditionally approving, or denying design review applications; and

Whereas, on September 17, 2024, 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 adopting 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 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 site is flat, heavily disturbed and devoid of vegetation and the site has been fully developed for commercial uses. The project is proposing to construct a new commercial building, restaurant building, drive-through lanes, gasoline dispensing facility and other improvements throughout the Project site. As such, the Riparian/Riverine Areas and Vernal Pool Guidelines as set forth in Section 6.1.2 of the MSHCP are not applicable.*
3. *The project is consistent with the Protection of Narrow Endemic Plant Species Guidelines as set forth in MSHCP Section 6.1.3 and the Additional Survey Needs and Procedures as set forth in MSHCP Section 6.3.2 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 3: The Commission has reviewed and analyzed the proposed project pursuant to the California Planning and Zoning Laws (Cal. Gov. Code §§ 59000 et seq.), the Lake Elsinore General Plan (GP), and the LEMC and finds and determines that the proposed project is consistent with the requirements of California Planning and Zoning Law and with the goals and policies of the GP and the LEMC.

Section 4: The Commission 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) because the project (a) is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations, (b) the site of the proposed development is within city limits on a project site of less than five acres substantially surrounded by urban uses, (c) the project site has no value as habitat for endangered, rare or threatened species, (d) the project will not result in any significant effects relating to traffic, noise, air quality, or water quality, and (e) the site can be adequately served by all required utilities and public services.

Section 5: That in accordance with Section 17.415.050.G of the LEMC, the Commission makes the following findings regarding Commercial Design Review No. 2022-05:

1. The project, as approved, will comply with the goals and objectives of the General Plan and the zoning district in which the project is located.

The Project has a General Plan Land Use designation of General Commercial (GC) and is located within the Business District. The GC Land Use designation provides for retail, services, restaurants, professional and administrative offices, hotels and motels, mixed-use projects, public and quasi-public uses, and similar and compatible uses with a maximum 0.40 Floor Area Ratio (FAR). The Project is proposing one-story 3,375 sq. ft. convenience store, a 3,427 sq. ft. gasoline dispensing facility, and a 1,400 sq. ft. drive-through restaurant with a 0.07 FAR. Therefore, the Project is consistent with the General Plan.

The current zoning designation of the subject site is Neighborhood Commercial (C-1). According to LEMC Section 17.124.020, general merchandise stores such as

convenience stores are permitted uses in the C-1 zone. Furthermore, according to LEMC Section 17.124.030, drive-through and gasoline dispensing establishments are conditionally permitted uses in the C-1 zone. The proposed uses would offer the sale of goods and services to the general public and which, through characteristics of their operation, would primarily serve the day-to-day shopping needs of the local residents.

2. The Project complies with the design directives contained in the LEMC and all applicable provisions of the LEMC.

The project is appropriate to the site and surrounding developments. The architectural design of the proposed buildings conforms to the Nonresidential Development Standards (Chapter 17.112) of the LEMC. Sufficient setbacks and enhanced onsite landscaping have been provided thereby creating interest and varying vistas as a person moves along abutting streets. The architecture has been designed to achieve harmony and compatibility with the surrounding area. The colors and materials proposed will assist in blending the architecture into the existing landscape and are compatible with other colors and materials used on other properties near the project site. In addition, safe and efficient circulation has been achieved onsite.

3. Conditions and safeguards pursuant to Section 17.415.050.G.3 of the LEMC, including guarantees and evidence of compliance with conditions, have been incorporated into the approval of the Project to ensure development of the property in accordance with the objectives of Section 17.415.050.

Pursuant to Section 17.415.050.E of the LEMC, the project was considered by the Planning Commission at a duly noticed Public Hearing held on September 17, 2024. The project, as reviewed and conditioned by all applicable City divisions, departments and agencies, will not have a significant effect on the environment. Further, compliance with the conditions of approval will be reviewed during the plan check and inspection review process prior to commencing operations.

Section 6: Based upon the evidence presented, the above findings, and the Conditions of Approval imposed upon the project, the Commission hereby approves Commercial Design Review No. 2022-05.

Section 7: This Resolution shall take effect immediately upon its adoption.

Passed and Adopted on this 17th day of September, 2024.

Jodi Peters, Chair

Attest:

Damaris Abraham,
Community Development Director

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

I, Damaris Abraham, Community Development Director of the City of Lake Elsinore, California, hereby certify that Resolution No. 2024-__ was adopted by the Planning Commission of the City of Lake Elsinore, California, at a regular meeting held September 17, 2024 and that the same was adopted by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Damaris Abraham,
Community Development Director