

## **RESOLUTION NO. 2024-**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, APPROVING A TWO-YEAR EXTENSION OF TIME FOR COMMERCIAL DESIGN REVIEW NO. 2019-05 TO AUGUST 9, 2026**

**Whereas**, on August 9, 2022, the City Council (Council) approved Tentative Tract Map (TTM) No. 37578, Conditional Use Permit (CUP) No. 2019-03, Commercial Design Review (CDR) No. 2019-05, a Uniform Sign Program No. 2019-01 to develop a new mixed-use commercial and residential development including a 10-dispenser gasoline station, quick-serve restaurant, drive-through fast food restaurants, office and retail spaces, and up to 74 multi-family dwelling units. The project site is located at the northwest corner of Grand Avenue and State Route 74/Ortega Highway and includes Assessor Parcel Numbers 381-320-023 and 381-320-020;

**Whereas**, the Lake Elsinore Municipal Code (LEMC) Section 17.415.050 requires that a developer wishing to extend the life of a commercial design review make a written application to the approving authority prior to the expiration of the commercial design review approval;

**Whereas**, Ahmad Zaki, Zairey, Inc., submitted a request for an extension of time for CDR No. 2019-05 on July 9, 2024; and

**Whereas**, on December 10, 2024, at a duly noticed Public Hearing the Council has considered the recommendation of City staff 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 Council has reviewed and analyzed the proposed Project pursuant to the appropriate Planning and Zoning Laws, and Title 17 of the LEMC.

**Section 2:** The Council finds and determines that and no new environmental documentation is necessary because all potentially significant effects have been adequately analyzed in an earlier Mitigated Negative Declaration (MND) (ER 2019-04) (SCH No. 2021120417). All potentially significant impacts have been avoided or mitigated pursuant to the earlier MND and none of the conditions described in Section 15162 exist. MND (SCH No. 2021120417) was adopted by the City Council on August 9, 2022 for this project. No substantial changes that require major revisions to the MND exist and no new information of substantial importance that require revisions to the earlier MND exist.

**Section 3:** That in accordance with Section 17.415.050.G of the LEMC, the Council makes the following findings for approval of an extension of time for Commercial Design Review No. 2019-05:

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 Commercial Mixed Use (CMU) and is located within the Lake Edge District. This designation provides for a mix of residential and non-residential uses within a single proposed development area, with an emphasis on retail, service, civic and professional office uses. The Floor Area Ratio (FAR) for non-*

*residential uses is 0.80 and a minimum of 50% of the total floor area shall be commercial uses. Residential densities shall be between 7 and 18 dwelling units per net acre. The project is proposing to develop a mixed-use project with a commercial development that includes a convenience store, gas station, express car wash, and drive-through and quick-serve restaurants with a 0.22 FAR. The project also includes a residential component with up to 15.7 units per acre. Therefore, the project is consistent with the Commercial Mixed Use General Plan land use designations for the site. The proposed subdivision is compatible with the objectives, policies, general land uses and programs specified in the General Plan as it would provide a mixture of land uses residential and commercial land uses to meet the needs of the community. A variety of housing, commercial, and commercial mixed use designations have been assigned to the southwest portion of the Lake Edge District to provide future stimulus to the adjacent neighborhood. The Project would provide a mixture of commercial and residential uses which would increase the number of rooftops in the neighborhood and provide additional stimulus to the neighborhood and is therefore consistent with the objectives of the Lake Edge District.*

*The current zoning for the subject site is Commercial Mixed Use (CMU). Per Section 17.134.020 of the LEMC, convenience stores, food establishments, and apartment units are permitted uses in the CMU zone while carwashes and drive-through establishments are conditionally permitted uses. The Community Development Director has reviewed and determined Gasoline Dispensing Establishments to be in accord with the purpose of the CMU zone and having characteristics similar to those uses listed in Section 17.134.020 as requiring a Conditional Use Permit. Further, the proposed Project will assist in achieving the development of a well-balanced and functional mix of residential, commercial, industrial, open space, recreational and institutional land uses.*

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

*The architectural design of the proposed building complies with the Nonresidential Development Standards (Chapter 17.112) and Residential Development Standards (Chapter 17.44) of the LEMC. 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 onsite circulation has been considered in the project's design.*

3. The Project complies with current laws, standards, and policies in accordance with Section 17.415.050.I of the LEMC.

*The extension of time request has been reviewed by all applicable City divisions, departments and agencies to ensure that the project complies with all applicable current laws, standards and policies.*

**Section 4:** Based upon the evidence presented, both written and testimonial, and the above findings, and the Conditions of Approval imposed upon the project, the Council hereby approves a two-year extension of time for Commercial Design Review No. 2019-05 to August 9, 2026.

**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 10<sup>th</sup> day of December 2024.

\_\_\_\_\_  
Steve Manos, 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. 2024-\_\_\_\_\_ was adopted by the City Council of the City of Lake Elsinore, California, at the regular meeting of December 10, 2024, and that the same was adopted by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Candice Alvarez, MMC  
City Clerk