

RESOLUTION NO. 2024-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKE ELSINORE, CALIFORNIA, APPROVING PLANNING APPLICATION NO. 2022-19 (CONDITIONAL USE PERMIT NO. 2022-06) TO LEGALIZE AN EXISTING RECYCLING KIOSK LOCATED WITHIN AN EXISTING COMMERCIAL CENTER AT 16750 LAKESHORE DRIVE (APN: 378-290-016)

Whereas, Anna Tailor, Skedio Studio, has filed an application with the City of Lake Elsinore (City) under Planning Application No. 2022-19 (Conditional Use Permit No. 2022-06) to legalize an existing recycling kiosk which is located within the parking lot of an existing commercial center. The commercial center is located near the intersection of Lakeshore Drive and Riverside Drive at 16750 Lakeshore Drive (APN: 378-290-016);

Whereas, Section 17.415.070.A of the Lake Elsinore Municipal Code (LEMC) provides that certain uses have operational characteristics that, depending on the location and design of the use, may have the potential to negatively impact adjoining properties, businesses or residents and therefore are permitted subject to the issuance of a Conditional Use Permit, which allows the City to comprehensively review and approve the use;

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 17.415.070.B of the LEMC, the Planning Commission (Commission) has the responsibility of reviewing and approving, conditionally approving, or denying Conditional Use Permits; and

Whereas, on December 3, 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, CALIFORNIA, 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 with much of the surrounding area having been developed for commercial uses. The project is proposing to legalize an existing CRV small beverage container recycling kiosk and other improvements throughout the fully developed 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.*

Section 3: The Commission finds that the proposed project is categorically exempt from California Environmental Quality Act (Cal. Publ. Res. Code §§21000 et seq. "CEQA") and CEQA Guidelines (14. Cal. Code Regs. §§15000 et seq.), specifically pursuant to Section 15301 (Class 1 – Existing Facilities), because the project is confined to an existing commercial building and only minor exterior alterations are planned in association with the proposed use.

Section 4: That in accordance with LEMC Section 17.415.070.C. Findings, the Commission makes the following findings regarding Conditional Use Permit No. 2022-06:

1. That the proposed use is in accord with the objectives of the General Plan and the purpose of the planning district in which the site is located.

The proposed project is located in the General Commercial General Plan Land use designation and the Lake View District. The General Commercial 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. The Lake View District goal is to create a neighborhood that strengthen ties with existing and neighboring uses. The recycling kiosk is a retail service within an existing commercial center that will support the existing residential uses and the future residential development planned within the Lake View District. Therefore, the use is in accord with the objectives of the General Plan and planning district it is located in.

2. The proposed use will not be detrimental to the general health, safety, comfort or general welfare of persons residing or working within the neighborhood of the proposed use or the City, or injurious to property or improvements in the neighborhood or the City.

The proposed use is located upon a parking lot within an existing commercial center that is fully developed. The CUP is to legalize the existing operations which has operated without any complaints or concerns from surrounding businesses and residential neighborhood. Nonetheless, the project has been conditioned by all applicable City departments to ensure the business continues to operate in a manner that will not result in impacts to the neighborhood.

3. The site is adequate in size and shape to accommodate the use, and for all the yards, setbacks, walls or fences, landscaping, buffers and other features required by this title.

The proposed use is located in a parking lot within an existing, fully developed commercial center. The location of the recycling kiosk has been analyzed and staff has determined that the proposed project area meets the applicable development standards pursuant to the LEMC and will complement the existing businesses.

4. The site for the proposed use relates to streets and highways with proper design both as to width and type of pavement to carry the type and quantity of traffic generated by the subject use.

The proposed use is located upon a parking lot within an existing commercial center that is fully developed with multiple access points. Street improvements have been completed with the original development of the commercial center. Furthermore, the existing parking lot has been previously designed to provide safe onsite circulation.

5. In approving the subject use at the specific location, there will be no adverse effect on abutting properties or the permitted and normal use thereof.

The project has been thoroughly reviewed and conditioned by all applicable City departments thereby eliminating the potential for any adverse effects.

6. Adequate conditions and safeguards pursuant to LEMC 17.415.070.B, including guarantees and evidence of compliance with conditions, have been incorporated into the approval of the subject project to ensure development of the property in accordance with the objectives of this chapter and the planning district in which the site is located.

Pursuant to Section 17.415.070.B of the LEMC, the project was considered by the Planning Commission at a duly noticed Public Hearing on December 3, 2024. Appropriate and applicable conditions of approval have been included to protect the public health, safety and general welfare.

Section 5: Based upon the evidence presented, both written and testimonial, and the above findings, the Commission hereby finds that the project is consistent with the MSHCP.

Section 6: Based upon the evidence presented, the above findings, and the Conditions of Approval imposed upon the project, the Commission hereby approves Conditional Use Permit No. 2022-06.

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

Passed and Adopted on this 3rd day of December, 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 December 3, 2024 and that the same was adopted by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Damaris Abraham,
Community Development Director