

## RESOLUTION NO. 2024-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKE ELSINORE, CALIFORNIA, APPROVING PLANNING APPLICATION NO. 2023-15 (COMMERCIAL DESIGN REVIEW NO. 2023-04) FOR MINOR ONSITE MODIFICATIONS RELATED TO EXISTING BUILDING SIZE, ELEVATIONS, PARKING LOT LAYOUT, SITE CIRCULATION, AND LANDSCAPING FOR AN EXISTING 4,400 SQ. FT. BUILDING LOCATED AT 18295 COLLIER AVENUE (APN: 377-120-057)**

**Whereas**, Matthew Rochtashel, Urban Dweller Architects, has filed an application with the City of Lake Elsinore (City) requesting approval of Planning Application No. 2023-15 (Conditional Use Permit No. 2023-06 and Commercial Design Review No. 2023-04) to permit the operation of a drive-through and an outdoor dining area in connection with the establishment of a Starbucks coffee shop. The project also includes minor onsite modifications related to the existing 4,400 square foot building's size, exterior elevations, parking lot layout, site circulation, and landscaping. The project site is located on an approximately 0.96-acre site at 18295 Collier Avenue. (APN: 377-120-057)

**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 17.415.060 (Minor Design Review), Section 17.410.070 (Approving Authority), and Section 17.410.030 (Multiple Applications) of the LEMC, the Planning Commission (Commission) has been delegated with the responsibility of reviewing and approving, conditionally approving, or denying the conditional use permit and the minor design review application; and

**Whereas**, on January 16, 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 is consistent with the Riparian/Riverine Areas, Vernal Pools Guidelines, and the Fuel Management Guidelines as the Project is wholly located within an existing building and does not include any earth disturbing activities therefore Sections 6.1.2 or 6.3.1 of the MSHCP are not applicable.*
3. *The project is consistent with the Protection of Narrow Endemic Plant Species Guidelines and the Additional Survey Needs and Procedures 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 hereby finds and determines that the 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). Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The project proposes to remodel the 4,400 sq. ft. building by reducing the building foot print to 3,820 sq. ft. and construct a new 497 sq. ft. outdoor seating area. The site is fully developed, and only minor site modifications related to landscaping, drive-through, and parking lot layout are planned in association with the proposed project.

**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. 2023-04:

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 subject site has a General Plan Land Use designation of General Commercial (GC) and is located in 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 to renovate an existing commercial building and operate a drive-through restaurant with 0.09 FAR. Therefore, the Project is consistent with the General Plan.*

*The current zoning for the subject property is General Commercial (C-2). According to Section 17.124.020 (Permitted Uses) of the Lake Elsinore Municipal Code (LEMC), all permitted uses of the Commercial Office (C-O) and Neighborhood Commercial (C-1) districts as contained within LEMC Section 17.116.020 and 17.120.020 are also permitted*

*in the C-2 zone. Restaurants and eating places are permitted uses. According to Section 17.124.030 of the LEMC, Uses permitted subject to a use permit in the C-1 district as contained in LEMC 17.120.030 are also permitted in the C-2 zone subject to a Conditional Use Permit. Pursuant to LEMC 17.120.030 drive-through establishments are permitted use subject to a Conditional Use Permit.*

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 January 16, 2024. The project, as reviewed and conditioned by all applicable City divisions, departments and agencies, will not have a significant effect on the environment.*

**Section 6:** 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 7:** 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. 2023-04.

**Section 8:** This Resolution shall take effect immediately upon its adoption.

**Passed and Adopted** on this 16<sup>th</sup> day of January, 2024.

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Michael Carroll, Chairman

**Attest:**

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Damaris Abraham,  
Assistant Community Development Director

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

I, Damaris Abraham, Interim Assistant 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 January 16, 2024 and that the same was adopted by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
Damaris Abraham,  
Assistant Community Development Director