

## RESOLUTION NO. 2024-

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKE ELSINORE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 2022-05 TO ESTABLISH AND OPERATE A 1,400-SQUARE-FOOT DRIVE-THROUGH RESTAURANT IN THE NEIGHBORHOOD COMMERCIAL (C-1) DISTRICT 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**, Conditional Use Permit (CUP) No. 2022-05 proposes to establish and operate a 1,400 sq. ft. drive-through restaurant;

**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**, Section 17.415.070 of the Lake Elsinore Municipal Code (LEMC) provides that certain uses are desirable but may have operational characteristics that disproportionately impact adjoining properties, businesses, or residents. Accordingly, such uses require a more comprehensive review and approval procedure, including the ability to condition the project in order to mitigate significant impacts;

**Whereas**, pursuant to Section 17.415.070.B of the LEMC, the Planning Commission (Commission) has been delegated with the responsibility of reviewing and approving, conditionally approving, or denying Conditional Use Permits; 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, CALIFORNIA, DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:**

**Section 1:** The Commission has considered the project and has found it acceptable.

**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 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 4:** That in accordance with LEMC Section 17.415.070.C. Findings, the Commission makes the following findings regarding CUP No. 2022-05:

1. That the proposed use, on its own merits and within the context of its setting, is in accord with the objectives of the General Plan and the purpose of the planning district in which the site 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 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 drive-through restaurant would not cause either direct or indirect detrimental impacts to the existing surrounding community because the design of the parking lot layout and circulation was designed to allow multiple points of egress and ingress for both emergency and pedestrian vehicles, the drive through queue lanes are sheltered by a landscape planter and has sufficient capacity to queue vehicle outside of the circulating lanes. The drive through queuing lanes have also been positioned in a manner where they cannot spill into the adjacent streets. Furthermore, the project has also been conditioned as such to avoid any potential impacts associated with the proposed use.*

3. The Site for the intended use 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 and design have been analyzed and staff has determined that the site is compatible and adequate in size and shape to accommodate the proposed use and project design. The design meets all applicable sections of the LEMC including the drive-through restaurant development standards. As designed the project would not encroach on any setback as prescribed by the LEMC and sufficient landscaping has been provided through the site. Furthermore, the proposed use and design will complement the existing office and grocery store uses as well as the surrounding residential neighborhood.*

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 within an existing built environment, inclusive of streets. The existing streets are of adequate size to facilitate safe and convenient transportation to and from the site.*

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 Conditional Use Permit 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 September 17, 2024 and appropriate and applicable conditions of approval have been included to protect the public health, safety and general welfare. Further, compliance with the conditions of approval will be reviewed during the plan check and inspection review process prior to commencing operations.*

**Section 5:** 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. 2022-05.

**Section 6:** This Resolution shall take effect immediately upon its adoption.

**Passed and Adopted** on this 17<sup>th</sup> day of September, 2024.

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Jodi Peters, Chair

**Attest:**

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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:

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Damaris Abraham,  
Community Development Director